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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

MISCELLANEOUS AMENDMENTS

Effective upon publication in the FEDERAL REGISTER, paragraphs (f), (h) (11), (14) and (15) of § 6.123 and paragraph (a) of § 6.126 are revoked; subparagraphs (16) and (17), paragraph (h) of § 6.123 are added; paragraph (c) of § 6.126 is amended and paragraph (e) of § 6.326 is added, as set out below.

§ 6.123 *Department of Health, Education, and Welfare.* * * *

(h) *Public Health Service.* * * *

(16) Positions of scientific, professional, or technical nature when filled by bona fide students enrolled in academic institutions provided that the work performed in the agency is to be used by the student as a basis for completing certain academic requirements required by an educational institution to qualify for a scientific, professional, or technical field; and provided further that appropriate exclusions of the positions under the authority of Public Law 330, 80th Congress, have been approved by the Civil Service Commission.

(17) Student Dietitians and Resident Physicians at Freedman's Hospital.

§ 6.126 *Securities and Exchange Commission.* * * *

(c) Director, Division of Corporation Finance; Director, Division of Corporate Regulations; Director, Division of Trading and Exchanges.

§ 6.326 *Securities and Exchange Commission.* * * *

(e) One Confidential Assistant to each Member of the Commission (5 positions).

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, March 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-2550; Filed, Apr. 6, 1954; 8:50 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

TREASURY DEPARTMENT

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (8) of § 6.303 is revoked, and subparagraph (1) is amended as set out below.

§ 6.303 *Treasury Department*—(a) *Office of the Secretary.* (1) Six Assistants to the Secretary.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, March 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-2549; Filed, Apr. 6, 1954; 8:49 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE ARMY

Effective upon publication in the FEDERAL REGISTER, the positions listed below are added to § 6.305 (a).

§ 6.305 *Department of the Army*—(a) *Office of the Secretary.* * * *

(5) One Special Assistant to the Deputy Under Secretary.

(6) One Publications Writer.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, March 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-2548; Filed, Apr. 6, 1954; 8:49 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF COMMERCE

Effective upon publication in the FEDERAL REGISTER, paragraphs (f) (1), (k) (1) and (3), (m) (2), (3) and (7) of § 6.312 are revoked, and paragraph (e) (11) is amended as set out below.

(Continued on p. 1947)

CONTENTS

	Page
Agricultural Marketing Service	
Proposed rule making:	
Irish potatoes grown in State of Maine, handling	1955
Rules and regulations:	
Oranges, navel, grown in Arizona and designated part of California; limitation of handling	1947
Agricultural Research Service	
Rules and regulations:	
Hog cholera, swine plague, and other communicable swine diseases; vesicular exanthema; changes in areas quarantined	1947
Agriculture Department	
See Agricultural Marketing Service; Agricultural Research Service.	
Civil Aeronautics Administration	
See Civil Aeronautics Board.	
Civil Aeronautics Board	
Notices:	
Hearings, etc.:	
Aero Finance Corp.; enforcement proceedings	1964
Capital Airlines, Inc., and Piedmont Aviation, Inc.; designation of Hampton and Warwick, Va., as co-intermediate points	1964
Rules and regulations:	
Maintenance, repair, and alteration of airframes, powerplants, propellers, and appliances; bolts, screws, and miscellaneous fasteners	1950
Scheduled interstate air carrier certification and operation rules; distribution of manual	1950
Civil Service Commission	
Rules and regulations:	
Competitive service, exceptions from:	
Army Department	1945
Commerce Department	1945
Foreign Operations Administration	1947
Miscellaneous amendments	1945
Treasury Department	1945
Commerce Department	
See Civil Aeronautics Board.	

FEDERAL REGISTER

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(For use during 1954)

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Title 16 ($1.00)
Titles 22–23 ($1.00)
Title 24 ($0.75)

Previously announced: Title 8 ($0.35); Titles 10–13 ($0.50); Title 18 ($0.45); Title 25 ($0.45); Titles 40–42 ($0.50); Title 49: Parts 1 to 70 ($0.60); Parts 71 to 90 ($0.65); Parts 91 to 164 ($0.45); Parts 165 to end ($0.60)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Federal Communications Commission Page

Notices:
Hearings, etc.:
Carthage Broadcasting Co. (2 documents) 1968
Ector County Broadcasting Co. et al 1968
KFJI Broadcasters and Klamath Falls Television, Inc. 1969
Mackay Radio and Telegraph Co. (2 documents) 1964
Seaton Publishing Co. and Strand Amusement Co. 1968
Station WBBM–TV et al. 1966
Proposed rule making:
Affiliation agreements; territorial exclusivity 1961

CONTENTS—Continued

Federal Communications Commission—Continued Page

Proposed rule making—Con.
Frequency allocations; use of certain frequency bands by radiopositioning stations 1961
Television broadcasting stations; table of assignments; extension of time for filing replies to comments 1961
Uniform System of Accounts:
Class A and B telephone companies, radiotelegraph carriers, and wire-telegraph and ocean-cable carriers 1962
Radiotelegraph carriers and wire-telegraph and ocean-cable carriers 1962
Rules and regulations:
Radio broadcast services; table of assignments for television broadcast stations 1954

Federal Power Commission
Notices:
Hearings, etc.:
Dome Gas Co., Inc. 1970
Lone Star Gas Co. 1971
Northwest Natural Gas Co. et al. 1969
Tennessee Gas Transmission Co. and Northeastern Gas Transmission Co. 1970
United Gas Pipe Line Co. 1969

Federal Trade Commission
Rules and regulations:
Cease and desist orders:
Empire Press, Inc., et al. 1950
Personal Drug Co. and Leo Savitch 1951

Interior Department
See Land Management Bureau.

Interstate Commerce Commission
Notices:
Applications for relief:
Caustic soda from Whitehall-Montague, Mich., to points in Kansas and Missouri 1972
Coke from Detroit and Wyandotte, Mich., to Ceico, Ohio 1972
Fertilizer solutions from South Point, Ohio, to southern territory 1972
Soda ash and caustic soda from Baton Rouge and North Baton Rouge, La., to Gulfport, Miss. 1971
Wheat, bran and shorts, from Port Everglades, Fla., to Lakeland, Orlando, and Tampa, Fla. 1972
Maislin Transport, Inc., et al.; applications of motor carriers of property 1973

Labor Department
See Wage and Hour Division.

Land Management Bureau
Notices:
Proposed withdrawal and reservation of lands:
Colockum Game Range, Washington 1963
Sierra Ancha Experimental Forest 1963

CONTENTS—Continued

Securities and Exchange Commission Page

Notices:
United Gas Corp. and Union Producing Co.; order granting issuance of promissory notes of subsidiary to parent 1971

Small Business Administration
Notices:
Disaster area declaration amendments:
California 1971
Georgia 1971

Treasury Department
Proposed rule making:
Fees for copying, certifying and search of records 1954
Rules and regulations:
Federal Housing Administration debentures 1952

Wage and Hour Division
Rules and regulations:
Retail or service establishment and related exemptions; Linen Supply Services 1952

War Claims Commission
Rules and regulations:
Appeals 1953

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 5 Page
Chapter I:
Part 6 (5 documents) 1945, 1947

Title 7
Chapter IX:
Part 914 1947
Part 970 (proposed) 1955

Title 9
Chapter I:
Part 76 1947

Title 14
Chapter I:
Part 18 1950
Part 40 1950

Title 16
Chapter I:
Part 3 (2 documents) 1950, 1951

Title 29
Chapter V:
Part 779 1952

Title 31
Chapter II:
Part 270 (proposed) 1954
Part 337 1952

Title 45
Chapter V:
Part 515 1953

Title 47
Chapter I:
Part 2 (proposed) 1961
Part 3 1954
Proposed (2 documents) 1961
Part 31 (proposed) 1962
Part 34 (proposed) (2 documents) 1962
Part 35 (proposed) (2 documents) 1962

§ 6.312 *Department of Commerce.* * * *

(e) *Business and Defense Services Administration.* * * *

(11) One Private Secretary to each of the three Assistant Administrators.

(R. S. 1753, sec. 2, 22 Stat 403; 5 U. S. C. 631, 633. E. O. 10440, March 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-2547; Filed, Apr. 6, 1954; 8:49 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

FOREIGN OPERATIONS ADMINISTRATION

Effective upon publication in the FEDERAL REGISTER, the positions listed below are added to § 6.349.

§ 6.349 *Foreign Operations Administration.* * * *

(c) *Office of the Deputy Director for Operations.* (1) Deputy Director for Operations.

(d) *Office of the Deputy Director for Program and Planning.* (1) Deputy Director for Program and Planning.

(e) *Office of the Assistant Director for Refugees and Migration.* (1) Assistant Director for Refugees and Migration; (2) Deputy Assistant Director for Refugees and Migration.

(f) *Office of the Deputy Director for Congressional Cooperation.* (1) Assistant to the Deputy Director for Congressional Cooperation.

(g) *Office of the Deputy Director for Mutual Defense Assistance Controls.* (1) Assistant Deputy Director for Mutual Defense Assistance Controls.

(h) *Office of the Deputy Director for Technical Services.* (1) Deputy Director for Technical Services; (2) Assistant Deputy Director for Technical Services.

(i) *Executive Secretariat.* (1) Executive Secretary; (2) Executive Secretary to the Public Advisory Board; (3) Executive Secretary to the International Development Advisory Board.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, March 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-2551; Filed, Apr. 6, 1954; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 27]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.327 *Navel Orange Regulation 27*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 14 (18 F. R. 5638), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; and this section relieves restriction on the handling of navel oranges grown in Arizona and designated part of California.

(b) *Order.* (1) Navel Orange Regulation 25 (§ 914.325; 19 F. R. 1639) is hereby terminated at 12:01 a. m., P. s. t., April 4, 1954.

(2) During the period beginning at 12:01 a. m., P. s. t., April 4, 1954, and ending at 12:01 a. m., P. s. t., May 2, 1954, no handler shall handle any navel oranges, grown in District 1, which are smaller than 2.20 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 5 percent, by count, of oranges smaller than such minimum diameter shall be permitted in any type of container.

(3) During the period beginning at 12:01 a. m., P. s. t., April 4, 1954, and ending at 12:01 a. m., P. s. t., August 1, 1954, no handler shall handle any navel oranges, grown in District 2, which are smaller than 2.20 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 5 percent, by count, of oranges smaller than such minimum diameter shall be permitted in any type of container.

(4) As used in this section, "handler," "handle," "District 1," and "District 2" shall have the same meaning as when used in said marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Dated: April 2, 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-2571; Filed, Apr. 6, 1954; 8:54 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 23]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—VESICULAR EXANTHEMA

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111–113, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 76.27 of the regulations restricting the interstate movement of swine and certain swine products because of vesicular exanthema (9 CFR, Part 76, Subpart B (18 F. R. 3636, 19 F. R. 1367), as amended) is hereby amended by changing subparagraphs (3), (7), (8), (10), (13), (14), (15), (17), and (18) of paragraph (b) relating to California; by changing subdivisions (ii), (viii), and (ix) of subparagraph (2), subdivisions (i) and (xii) of subparagraph (3), subdivision (iii) of subparagraph (4), subdivisions (vi), (ix), (x), (xxv), (xxxi), and (xxxii) of subparagraph (5), subdivisions (iii), (v), and (xi) of subparagraph (6), subdivisions (ii) and (ix) of subparagraph (7), subdivision (vii) of subparagraph (8), of paragraph (e) relating to Massachusetts; by adding new subdivisions (xv), (xvi), and (xvii) to subparagraph (2), subdivisions (vi), (vii), and (viii) to subparagraph (4), subdivisions (xxxiv), (xxxv), and (xxxvi) to subparagraph (5), subdivision (xx) to subparagraph (6), subdivision (xvi) to subparagraph (7), and subdivisions (xvi), (xvii), (xviii), and (xix) to subparagraph (8), of paragraph (e) relating to Massachusetts; by changing subparagraph (1) of paragraph (g) relating to New York; and by changing subdivision (ii) of subparagraph (2) of paragraph (i) relating to Rhode Island, to read as follows:

§ 76.27 *Notice and quarantine.* Notice is hereby given that swine in the following areas in the specified States are affected with vesicular exanthema. Such areas are hereby quarantined because of said disease.

* * * * *

(b) *California:* * * *

(3) That area lying north and east of the U. S. Reclamation Drainage Canal, south of the Sycamore County Road, and west of U. S. Highway 99W; that area consisting of Parcel 4, Lot 37 of Gibson Colony No. 1 lying along North Freshwater Creek off Freshwater Road; and that area lying southwest of State Highway No. 20, southeast of Wescott Road, and north of Power line, in Colusa County.

* * * * *

(7) Sec. 34, T. 6 N., R. 1 W., HU. B. & M.; Secs. 19 and 31, T. 7 N., R. 1 E., HU. B. & M.; Sec. 28, T. 7 N., R. 5 E., HU. B. & M.; Secs. 9, 10, and 15, T. 6 N., R. 3 E., HU. B. & M.; Sec. 24, T. 4 S., R. 3 E., HU. B. & M.; Sec. 7, T. 2 N., R. 1 E., HU. B. & M.; Sec. 19, T. 4 S.,

R. 4 E., HU. B. & M.; Sec. 20, T. 9 N., R. 1 E., HU. B. & M.; Sec. 30, T. 8 N., R. 1 E., HU. B. & M.; Sec. 17, T. 2 N., R. 1 E., HU. B. & M.; Sec. 14, T. 4 N., R. 1 W., HU. B. & M.; Sec. 16, T. 6 N., R. 1 E., HU. B. & M.; Sec. 31, T. 2 N., R. 1 E., HU. B. & M.; Sec. 20, T. 6 N., R. 1 E., HU. B. & M.; and that part of the City of Eureka lying south of Huntoon Street, north of Harris Avenue, west of Harrison Avenue, and east of "S" Street, in Humboldt County.

(8) Sec. 2, T. 14 N., R. 7 W., M. D. B. & M.; Secs. 26 and 27, T. 14 N., R. 10 W., M. D. B. & M.; Sec. 3, T. 10 N., R. 7 W., M. D. B. & M.; and Sec. 15, T. 10 N., R. 7 W., M. D. B. & M., in Lake County.

* * * * *

(10) Sec. 24, T. 19 N., R. 14 W., M. D. B. & M.; Secs. 6, 19, and 20, T. 18 N., R. 17 W., M. D. B. & M.; Secs. 27 and 29, T. 20 N., R. 14 W., M. D. B. & M.; Secs. 22 and 24, T. 21 N., R. 15 W., M. D. B. & M.; Secs. 4 and 27, T. 15 N., R. 12 W., M. D. B. & M.; Secs. 3, 4, 20, and 21, T. 18 N., R. 13 W., M. D. B. & M.; Sec. 28, T. 17 N., R. 11 W., M. D. B. & M.; Sec. 26, T. 22 N., R. 18 W., M. D. B. & M.; Sec. 29, T. 18 N., R. 13 W., M. D. B. & M.; Sec. 22, T. 19 N., R. 13 W., M. D. B. & M.; N. ½ Sec. 10, T. 23 N., R. 17 W., M. D. B. & M.; Sec. 1, T. 22 N., R. 13 W., M. D. B. & M.; Sec. 30, T. 13 N., R. 11 W., M. D. B. & M.; S. ½ Sec. 29, T. 13 N., R. 11 W., M. D. B. & M.; Secs. 17 and 20, T. 16 N., R. 11 W., M. D. B. & M.; Sec. 31, T. 17 N., R. 12 W., M. D. B. & M.; Sec. 25, T. 18 N., R. 18 W., M. D. B. & M.; and Sec. 20, T. 19 N., R. 17 W., M. D. B. & M., in Mendocino County.

* * * * *

(13) That area lying north of State Highway 28, south of the Placer County line, west of Truckee-Brockway Shortcut, County Road P151, and east of Truckee River adjacent to State Highway 89; that area lying north and west of U. S. Highway 40, south of Grove Creek, and east of U. S. Highway 99E; that area lying north of County Road P10, south and east of U. S. Highway 40, and west of County Road P18 and its prolongation to U. S. Highway 40; that area lying north of Flood Road, south of Dry Creek Road, west of U. S. Highway 40, and east of State Highway 49; that area lying south of Colfax Iowa Hill Road, north of Bunch Ravine Road, west of the North Fork American River, and east of U. S. Highway No. 40; and Sec. 21, T. 12 N., R. 8 E., N. D. B. & M., in Placer County.

(14) That area lying north of the Quincy-Meadow Valley Road, south of the Oakland Camp Road, and west of Meadow Valley Oakland Camp Road; and Sec. 32, T. 27 N., R. 10 E., M. D. B. & M., in Plumas County.

(15) W. ½ of SW. ¼ Sec. 30 and Secs. 15 and 16, T. 32 N., R. 4 W., M. D. B. & M.; Sec. 32, T. 32 N., R. 5 W., M. D. B. & M.; NE. ¼ and the N. ¼ of SE. ¼ Sec. 20 of Pearson B. Reading Grant, T. 31 N., R. 5 W., M. D. B. & M.; and SE. ¼ Sec. 12, T. 32 N., R. 5 W., M. D. B. & M., in Shasta County.

* * * * *

(17) W. ½ of SW. ¼ of NW. ¼ Sec. 26, T. 27 N., R. 4 W., M. D. B. & M.; that portion of Sec. 3, T. 27 N., R. 3 W., M. D. B. & M., that lies between the Sacramento River on the west and the Paynes Creek Road on the east; W. ½ of SE. ¼ Sec. 2, T. 27 N., R. 4 W., M. D. B. & M.; and Lot 50 of Los Molinos Subdivision 10, Sec. 8, T. 25 N., R. 2 W., M. D. B. & M., in Tehama County.

(18) Sec. 8, T. 5 N., R. 6 E., HU. B. & M., in Trinity County.

* * * * *

(e) *Massachusetts:* * * *

(2) All of Bristol County except the following:

* * * * *

(ii) That part of the City of Fall River lying southeast of Blossom Road, southwest of Yellow Hill Road, and north of Indian Town Road; that part of the City of Fall River lying north of President Avenue, south of Driftwood Street, west of Meridian Street, and east of Highland Avenue; and that part of the City of Fall River lying south of Wilson Road, north of New Boston Road, east of Robeson Street, and west of Meridian Street.

* * * * *

(viii) That part of the Town of Raynham lying north of Mill Street, east of State Route No. 104, south of Gardner Street, and west of King Phillip Street; that part of the Town of Raynham lying north of South Street and south, east, and west of South Main Street; and that part of the Town of Raynham lying north of Judson Street, south of King Street, east of Orchard Street, and west of Locust Street.

(ix) That part of the Town of Rehoboth lying west of Reed Street, south of Providence Street, and north and east of Peckham Street; and that part of the Town of Rehoboth lying north of Old Fall River Avenue, west of Barney Avenue, east of Wheaton Avenue, and south of Allen Avenue.

* * * * *

(xv) That part of the Town of Attleboro lying north of Brown Street, south of Highland Avenue, west of Robinson Avenue, and east of Mendon Street; that part of the Town of Attleboro lying north of Highland Avenue, south of May Street, east of Mendon Street and west of Washington Street; and that part of the Town of Attleboro lying south of Payne Road, west of the New York, New Haven, and Hartford Railroad, east of Mendon Road, and North of Hunts Bridge Road.

(xvi) That part of the Town of Seekonk lying north of Asylum Street, south of County Street, west of Miller Street, and east of Bradley Street.

(xvii) That part of the Town of Somerset lying north of Read Street, south of Buffington Street, east of Bark Street, and west of Prospect Street.

(3) All of Essex County except the following:

(i) That part of the Town of Andover lying north of Rattlesnake Hill Road, east of Woburn Street, west of Wood's Road, and south of Ballardvalle Road; that part of the Town of Andover lying south of High Street, west of Greenwood Road, north of State Route No. 133, and east of Woodhill Road; that part of the Town of Andover lying south of the Lowell Branch of the Boston and Maine Railroad, east of Shawsheen River, and west of the Western Division of the Portland Branch of the Boston and Maine Railroad; that part of the Town of Andover lying east of Bradford Street, south of Winter Street, west of Foster Street, and north of Salem Street; and that part of the Town of Andover lying south and west of Rocky Hill Road, north of Gould Street, and east of State Route No. 28.

* * * * *

(xii) That part of the Town of Methuen lying south of Brookdale Avenue, east of Jasper Street, west of State Route No. 110, and north of Steele Street; that part of the Town of Methuen lying south of Renfrew Street, east of Jasper Street, west of State Route No. 110, and north of Baremeadow Brook; that part of the Town of Methuen lying north of State Route No. 113, southeast of Baremeadow Brook, and west of State Route No. 110; that part of the Town of Methuen lying north of Walton Avenue, west of the Merrimac River, south of Pitman Street, and east of State Route No. 110; that part of the Town of Methuen lying east of Howe Street, south of Archibald Street, west of Washington Street, and north of Roosevelt Street; that part of the Town of Methuen lying north and east of Forest Street, south of Pelham Street, and west of State Route No. 113; that part of the Town of Methuen lying east of Washington Street, southwest of Drew Street, and north of State Route No. 113; that part of the Town of Methuen lying north of Pitman Street, south of Gage Ferry Road, west of the Merrimac River, and east of State Route No. 110; that part of the Town of Methuen lying southwest of the Merrimac River, north of River View Boulevard, and east of State Route No. 110; that part of the Town of Methuen lying southwest of Pelham Street and northeast of Mystic Street; that part of the Town of Methuen lying east of State Route No. 110, south of Dedham Street, west of the Merrimac River, and north of Loring Street; and that part of the Town of Methuen lying south of Cornlie Road, west of State Route No. 113, and east of Hampshire Street;

* * * * *

(4) All of Hampden County except the following:

* * * * *

(iii) That part of the City of Springfield lying north of U. S. Route No. 20, south of Piper Cross and Morgan Roads, west of Westfield Road, and east of U. S. Route No. 5; and that part of the City of Springfield lying south of Prospect Avenue, west of Quarry Road, and east of Riverdale Road.

* * * * *

(vi) That part of the Town of Agawam lying north of State Route No. 57, southwest of Westfield Road, and southeast of Northwest Road.

(vii) That part of the Town of Holyoke lying north of Old Westfield Road, south of Westfield Road, west of Old Homestead Avenue, and east of the Holyoke Water Works.

(viii) That part of the Town of Southwick lying north of State Route No. 57, southwest of West Springfield Road, and east of North Longyard Road.

(5) All of Middlesex County except the following:

* * * * *

(vi) That part of the Town of Burlington lying southwest of U. S. Route No. 3, southeast of Francis Wyman Road, and north of Bedford Street; that part of the Town of Burlington lying southeast of Dug Way, northeast of Winn Street, and northwest of Peach Orchard Road; that part of the Town of Burlington lying west of Middlesex Turnpike and north of Adams Street; and that part of the Town of Burlington lying north of Mill and Winn Streets, and east of Cambridge Road.

* * * * *

(ix) That part of the Town of Concord lying north of Main Street, southeast of Marlborough Road, and southwest of State Route No. 2; that part of the Town of Concord lying south of Laws Brook Road, north of the Boston and Maine Railroad, east of Old Stone Road, and west of Central Street; that part of the Town of Concord lying south of Lowell Road, north of Strawberry Hill Road, and west of the Concord River; and that part of the Town of Concord lying south of the Concord River, north of the Fitchburg Turnpike, and east of Sudbury Road.

(x) That part of the Town of Dracut lying east of Gumpas Avenue and west of Mammoth Road; that part of the Town of Dracut lying west and south of Lakeview Avenue from the Lowell town line to the Tyngsboro town line; that part of the Town of Dracut lying south of Marsh Hill Road, north and west of State Route No. 113, and east of State Route No. 38; that part of the Town of Dracut lying south and east of Cross Street to State Routes No. 38 and No. 113, and north and west of Hildreth Street to Pelham Brook; and that part of the Town of Dracut lying south of Colburn Avenue, east of Hildreth Street, north of State Route No. 113, and west of Bridge Street.

* * * * *

(xxv) That part of the Town of Tewksbury lying northwest of the Shawsheen River, northeast of State Route No. 38, and south of Salem Street; that part of the Town of

Tewksbury lying south of East Street, north of North Street, east of State Route No. 38, and west of Maple Street; that part of the Town of Tewksbury lying north of the Shawsheen River and east of State Route No. 38; and that part of the Town of Tewksbury lying north of the Lowell Branch of the Boston and Maine Railroad, west of the Portland Branch of the Boston and Maine Railroad, and east of Sutton Brook.

* * * * *

(xxxi) That part of the Town of Wilmington lying north of Salem Street, northwest of State Route No. 62, west of Ballardvale Street, southwest of the Salem and Lowell Branch of the Boston and Maine Railroad, and east of the Portland Division of the Western Branch of the Boston and Maine Railroad; that part of the Town of Wilmington lying northeast of State Route No. 38, west of the Wilmington Branch of the Boston and Maine Railroad, and south of Salem Street; that part of the Town of Wilmington lying east of the Wilmington Branch of the Boston and Maine Railroad, west of the Portland Branch of the Boston and Maine Railroad, and north of Salem Road; that part of the Town of Wilmington lying east of Woburn Street, north of Concord Road, and south of Park Street; that part of the Town of Wilmington lying south of State Route No. 62; that part of the Town of Wilmington lying north of State Route No. 62 and west of State Route No. 38; and that part of the Town of Wilmington lying north of Salem Street, west of the Wilmington Branch of the Boston and Maine Railroad, and south of Sutton Brook.

(xxxii) That part of the City of Woburn lying south of Putnam Street, north of University Street, east of Middle Street, and west of Ohio Street; that part of the City of Woburn lying north of Russell Street and west of Cambridge Road; that part of the City of Woburn lying south of State Route No. 128, east of Mishawam Road, north of Clinton and Salem Streets, and west of the Western Division of the Portland Branch of the Boston and Maine Railroad; that part of the City of Woburn lying north of Mishawam Road and School Street, east of the Boston and Maine Railroad, south of Boutwell Road, and west of New Boston Street; and that part of the City of Woburn lying south of Lexington, Pleasant, Maine, and Salem Streets.

* * * * *

(xxxiv) The Town of Dunstable.

(xxxv) That part of the City of Lowell lying east of State Route No. 38 and south of the Merrimac River.

(xxxvi) The Town of Stoneham.

(6) All of Norfolk County except the following:

* * * * *

(iii) That part of the Town of Canton lying south of Randolph Street, east of York Street, north of Willow Street, and west of Old Randolph Street; that part of the Town of Canton lying south of Randolph and Washington Streets, east of Pleasant Street, and west of State Route No. 138; and that part of the Town of Canton lying southeast of Main Street, southwest of Wolomolopoag Street, and northwest of Furnace Street.

* * * * *

(v) That part of the Town of Dover lying south of Powisset Street, east of Walpole Street, and north of Hartford Street; and that part of the Town of Dover lying south of Springdale and Pegan Streets, and west of Centre Street.

* * * * *

(xi) That part of the Town of Randolph lying east of High Street, north of Chestnut Street, west of Overlook Road, and south of Canton Street; that part of the Town of Randolph lying south of Canton Street, north of the Braintree Tap, Algonquin Gas Line, and west of Irving Road; and that part of the Town of Randolph lying east of State Route No. 28.

* * * * *

(xx) That part of the Town of Braintree lying south of State Route No. 128.

(7) All of Plymouth County except the following:

* * * * *

(ii) That part of the Town of Bridgewater lying southwest of Winter Street, north of Auburn Street, and east of Beaver Street; that part of the City of Bridgewater lying north of Flagg Street, southwest of Conant Street, and southeast of Summer Street; that part of the Town of Bridgewater lying south of Flagg and Auburn Streets, north and west of the Taunton River, and east of State Route No. 28; that part of the Town of Bridgewater lying south of West Center Street, north of Maple Street, and west of Pleasant Street; and that part of the Town of Bridgewater lying south of Cedar Street, north of Pond Street, and east of Washington Street.

* * * * *

(ix) That part of the Town of Middleborough lying south of Smith Street, east of the New York, New Haven and Hartford Railroad, west of State Route No. 28, and north of Spruce Street; that part of the Town of Middleborough lying south of Plymouth Street, north of Centre Street, east of Vernon Street, and west of Pleasant Street; that part of the Town of Middleborough lying west of Pleasant Street, east of Vernon Street and the Poquoy River, north of Mill and Clay Streets, and south of Centre Street; that part of the Town of Middleborough lying north of River Street, and east of Auburn Street; and that part of the Town of Middleborough lying south of Plain Street, north of Precent Street, east of Plymouth Street, and west of Thompson Street.

* * * * *

(xvi) That part of the Town of Pembroke, lying southeast of Winter Street, northwest of Randall Street, and east of Elm and Spring Streets.

(8) All of Worcester County except the following:

* * * * *

(vii) That part of the Town of Harvard lying southeast of Old Mill Road, north of Pinhill Road, and west of Ayer Road; and that part of the Town of Harvard lying south of Mead and Stowe Roads, east of the East Bare Hill Road, north of Brown Road, and west of Stowe Road.

* * * * *

(xvi) That part of the Town of Berlin lying southwest of State Route No. 62, and north of Boylston Road.

(xvii) That part of the Town of Northbridge lying south of Mendon Road, east of Quaker Street, north of Mill Road, and west of the West River.

(xviii) That part of the Town of Westminster lying south of State Route No. 2, west of Princeton Road, north of State Route No. 140, and east of Depot Road.

(xix) That part of the City of Worcester lying east of State Route No. 110 and north of Mountain Street.

* * * * *

(g) *New York:* (1) The Town of Poland, and that part of the Town of Pomfret lying south of U. S. Route No. 5, west of Hall Road, and northeast of Van Buren Road, in Chautauqua County.

* * * * *

(i) *Rhode Island:* * * *

(2) All of Providence County except the following:

* * * * *

(ii) That part of the Town of Johnston lying east of Simmonsville Avenue, northwest of Scituate Avenue, and south of Simmonsville Lake; and that part of the Town of Johnston lying east of Old Pocasset Road, west of Atwood Avenue, north of Central Pike, and south of U. S. Route No. 6.

* * * * *

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment includes within the areas in which vesicular exanthema has been found to exist and in which a quarantine has been established;

That part of the Town of Pomfret lying south of U. S. Route No. 5, west of Hall Road, and northeast of Van Buren Road, in Chautauqua County, in New York.

That area lying southwest of State Highway No. 20, southeast of Wescott Road, and north of Power line, in Colusa County; Sec. 14, T. 4 N., R. 1 W., HU. B. & M., Sec. 16, T. 6 N., R. 1 E., HU. B. & M., Sec 31, T. 2 N., R. 1 E., HU. B. & M., Sec. 20, T. 6 N., R 1 E., HU. B. & M., and that part of the City of Eureka lying south of Huntoon Street, north of Harris Avenue, west of Harrison Avenue, and east of "S" Street, in Humboldt County; Sec. 15, T. 10 N., R. 7 W., M. D. B. & M., in Lake County; N. ½ Sec. 10, T. 23 N., R. 17 W., M. D. B. & M., Sec. 1, T. 22 N., R. 13 W., M. D. B. & M., Sec. 30, T. 13 N., R. 11 W., M. D. B. & M., S. ½ Sec. 29, T. 13 N., R. 11 W., M. D. B. & M., Secs. 17 and 20, T. 16 N., R. 11 W., M. D. B. & M., Sec. 31, T. 17 N., R. 12 W., M. D. B. & M., Sec. 25, T. 18 N., R. 18 W., M. D. B. & M., and Sec. 20, T. 19 N., R. 17 W., M. D. B. & M., in Mendocino County; Sec. 21, T. 12 N., R. 8 E., M. D. B. & M., and that area lying south of Colfax Iowa Hill Road, north of Bunch Ravine Road, west of the North Fork American River, and east of U. S. Highway No. 40, in Placer County; Sec. 32, T. 27 N., R. 10 E., M. D. B. & M., in Plumas County; NE. ¼ and the N. ½ of SE. ¼ Sec. 20 of Pearson B. Reading Grant, T. 31 N., R. 5 W., M. D. B. & M., and SE. ¼ Sec. 12, T. 32 N., R. 5 W., M. D. B. & M., in Shasta County; that portion of Sec. 3, T. 27 N., R. 3 W., M. D. B. & M., that lies between the Sacramento River on the west and the Paynes Creek Road on the east, W. ½ of SE. ¼ Sec. 2, T. 27 N., R. 4 W., M. D. B. & M., and Lot 50 of Los Molinos Subdivision 10, Sec. 8, T. 25 N., R. 2 W., M. D. B. & M., in Tehama County, California.

Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR, Part 76, Subpart B, as amended (18 F. R. 3636, as amended), will apply to such areas.

The amendment also excludes certain areas in California, Massachusetts, and Rhode Island, from the areas in which vesicular exanthema has been found to exist and in which a quarantine has been established. Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR, Part 76, Subpart B, as amended (18 F. R. 3636, as amended), will not apply to such areas. However, the restrictions pertaining to such movement from nonquarantined areas, contained in said Subpart B, as amended, will apply thereto.

The amendment imposes certain further restrictions necessary to prevent the spread of vesicular exanthema, a contagious, infectious, and communicable disease of swine, and relieves certain restrictions presently imposed. The amendment must be made effective immediately to accomplish its purpose in the public interest and to be of maximum

benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

(Secs. 7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265 as amended, 21 U. S. C. 111, 117, 120, 123, 125)

Done at Washington, D. C., this 1st day of April 1954.

[SEAL] B. T. SHAW,
Administrator,
Agricultural Research Service.

[F. R. Doc. 54-2573; Filed, Apr. 6, 1954; 8:54 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Supp. 2]

PART 18—MAINTENANCE, REPAIR, AND ALTERATION OF AIRFRAMES, POWERPLANTS, PROPELLERS, AND APPLIANCES

BOLTS, SCREWS, AND MISCELLANEOUS FASTENERS

Section 18.30–6 (d) (1) (ii) as published in 18 F. R. 7407 on November 21, 1953, is amended to standardize self-locking nut installations. This is a relaxation of former practice and permits the industry to use currently acceptable methods of installing self-locking nuts.

Section 18.30–6 (d) (1) (ii) is amended by changing the third sentence to read as follows: "After the nut has been tightened, round or chamfered end bolts, studs or screws should extend at least the full round or chamfer through the nut. Flat end bolts, studs or screws should extend at least $\frac{1}{32}$ inch through the nut."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies secs. 601, 605, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 555)

This supplement shall become effective April 1, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-2526; Filed, April 6, 1954; 8:45 a. m.]

[Supp. 8]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

DISTRIBUTION OF MANUAL

The purpose of this supplement is to delete CAA policies relative to distribution of the air carrier manual in response to comments received from interested persons. Section 40.52–1 as published on October 17, 1953 in 18 F. R. 6616, is hereby deleted.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies secs. 601, 604, 605, 608, 52 Stat. 1007, 1010, 1011; 49 U. S. C. 551, 554, 555, 558, 559)

This supplement shall become effective April 1, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-2527; Filed, Apr. 6, 1954; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6086]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

EMPIRE PRESS, INC., ET AL.

Subpart—*Using, selling, or supplying lottery devices:* § 3.2475 *Devices for lottery selling.* Selling or distributing in commerce, push cards, punchboards, or other lottery devices which are designed or intended to be used in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719; 15 U. S. C. 45) [Cease and desist order, Empire Press, Inc., et al., Chicago, Ill., Docket 6086, March 12, 1954.]

In the Matter of Empire Press, Inc., a Corporation, and Sylvea Zimmerman, and Evelyn Zimmerman, Individually and as Officers of Said Corporation, and Joseph Zimmerman

This proceeding was heard by John Lewis, Hearing Examiner, upon the complaint of the Commission, respondents' answer, and hearings, at which testimony and other evidence in support of the allegations of said complaint were introduced before said examiner, theretofore duly designated by the Commission, and were duly recorded and filed in the office of the Commission. Respondents, although they received due notice of all hearings and appeared by counsel at the first of said hearings, made no appearance at subsequent hearings and waived the opportunity afforded them to offer evidence in opposition to the allegations of the complaint.

Thereafter the proceeding regularly came on for final consideration by said examiner on the complaint, the answer, testimony and other evidence, and proposed findings as to the facts and conclusion presented by counsel, oral argument not having been requested, and said examiner, having duly considered the record in the matter, and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts, conclusion drawn therefrom, and order, including order to cease and desist and order of dismissal as to one of the respondents.

Thereafter, following cross-appeals by counsel supporting the complaint and respondents from said initial decision, the matter was disposed of by the "Decision of the Commission", dated March 12, 1954, which slightly modified the findings as to the facts in the initial decision, adopted as the findings and conclusion of the Commission, the findings as to the facts and conclusion in the initial decision as so modified, and issued its order to cease and desist in lieu of the order contained in the initial decision, as set forth in said "Decision of the Commission", as follows:

This matter came before the Commission upon cross-appeals by counsel supporting the complaint and respondents from an initial decision prohibiting respondents Empire Press, Inc., Sylvea Zimmerman and Joseph Zimmerman from:

Selling or distributing in commerce as "commerce" is defined in the Federal Trade Commission Act, push cards, punchboards, or other lottery devices which are *intended to be used or which, due to their design, are commonly and normally* used in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme. [Italics supplied.]

The complaint was dismissed as to respondent Evelyn Zimmerman.

Both parties in their appeals object to the portion of the order in the initial decision which is italicized above. Both request the Commission to modify this order to conform to the order approved by the courts in United States Printing and Novelty Co., Inc., et al. v. Federal Trade Commission, 204 F. 2d 737 (C. A., D. C. 1953) and Hamilton Manufacturing Co. v. Federal Trade Commission, 194 F. 2d 346 (C. A., D. C. 1952). The change in the order desired by the parties would strike the above italicized words from the order and substitute for them the words "designed or intended to be." This modification would conform the order to those which are currently being issued by the Commission in similar cases and which have been approved by the courts. Such modification would be proper in all respects in this matter and should be granted. Either form of order would prohibit the sale of punch cards or punchboards labeled as merchandise boards or sold for use as merchandise boards.

Respondents' only other contention in their appeal is that they take exception to the finding in the initial decision to the effect that many of respondents' push cards and punchboards have a printed legend or instructions on their face which explain the manner in which they are to be used or may be used in the sale of specified articles of merchandise. Respondents contend that with the possible exception of a cigarette board there is no card or board in evidence which has a label explaining how it is to be used in the sale of specified articles of merchandise.

The record contains two labels for punchboards which explain how they are to be used in the sale of cigarettes. In addition, it contains two of respondents' catalogs which specifically advertise certain of their punchboards as "merchandise boards." Illustrations of certain of these boards show that their labels explain how they are to be used to sell merchandise although the type of merchandise to be sold is not specified.

Thus strictly construed, the excepted to finding should be modified by striking from it the words "various specified articles of." This inconsequential modification in the findings, however, in no way changes the conclusion in this case that respondents' acts and practices as found are in violation of the Federal Trade Commission Act.

The Commission being of the opinion that the findings as to the facts and order in the initial decision should be modified as hereinabove indicated and that as so modified it is appropriate in all respects to dispose of this proceeding:

It is ordered, That the appeals of counsel supporting the complaint and of respondent are hereby granted to the extent hereinabove indicated.

It is further ordered, That the initial decision is hereby modified by striking from the first sentence of the second paragraph of Paragraph Two of the findings as to the facts the words "various specified articles of"; that as so modified the findings as to the facts and conclusion in the initial decision are hereby adopted as the findings and conclusion of the Commission; and that in lieu of the order contained in the initial decision the Commission issues the following as its order to cease and desist.

It is ordered, That respondents Empire Press, Inc., a corporation, and its officers and respondent Sylvea Zimmerman, individually and as an officer of said corporation, and Joseph Zimmerman, individually, and their respective agents, representatives, and employees, directly or through any corporate or other device, do forthwith cease and desist from:

Selling or distributing in commerce as "commerce" is defined in the Federal Trade Commission Act, push cards, punchboards, or other lottery devices which are designed or intended to be used in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme.

It is further ordered, That the complaint herein be, and it hereby is, dismissed as to respondent Evelyn Zimmerman.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 12, 1954.

By the Commission.

[SEAL] ALEX. AKERMAN, Jr.,
Secretary.

[F. R. Doc. 54-2545; Filed, Apr. 6, 1954; 8:48 a. m.]

[Docket 6089]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

PERSONAL DRUG CO. AND LEO SAVITCH

Subpart—*Advertising falsely or misleadingly:* § 3.170 *Qualities or properties of product or service;* § 3.205 *Scientific or other relevant facts.* In connection with the offering for sale, sale, or distribution of respondents' medicinal preparation designated "Quick-Kaps" or "D-Lay Capsules" or any preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same names or under any other name, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce of said preparations, which advertisements represent, directly or by implication: (a) That the use of said preparation will terminate pregnancy; (b) that said preparation is of any value in cases of delayed menstruation, unless such representations be expressly limited to those cases due to iron deficiency anemia and in which the use of said preparation is continued for a period of time not less than one month; and (c) that borderline anemia will cause delayed menstruation; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719; 15 U. S. C. 45)

[Cease and desist order, Doris Savitch t. a. Personal Drug Co., et al., New York, N. Y., Docket 6089, March 24, 1954]

In the Matter of Doris Savitch, an Individual Trading as Personal Drug Co., and Leo Savitch, Individually and as Manager of Said Company

The Federal Trade Commission on March 31, 1953, issued a complaint charging Doris Savitch, an individual trading as Personal Drug Co., and Leo Savitch, individually and as manager of said company, with having violated the Federal Trade Commission Act by disseminating false advertisements of a drug preparation sold by them under the names "Quick-Kaps" and "D-Lay Capsules." Respondents filed an answer denying that their advertisements were false or misleading.

Pursuant to notice, hearings were held in Washington, D. C., on June 25, 1953, and in New York City on September 9, 1953, before William L. Pack, a hearing examiner, designated by the Commission to hear this proceeding. Full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues was afforded all parties. The testimony and other evidence were recorded and filed in the office of the Commission.

Filing of proposed findings and conclusions having been waived, the hearing examiner filed his initial decision on October 9, 1953, in which he concluded that respondents have not advertised their preparation as an abortifacient as alleged but have violated the Federal Trade Commission Act by falsely advertising that their preparation is effective in the treatment of delayed menstruation due to functional troubles other than iron deficiency anemia.

Thereafter, counsel supporting the complaint appealed to the Commission from this initial decision. This appeal was submitted to the Commission upon briefs of the parties, oral argument not having been requested.

Upon consideration of the entire record herein, the Commission, for the reasons stated in the written opinion of the Commission issued herewith, hereby grants the appeal of counsel supporting the complaint insofar as it takes exception to the conclusion in the initial decision that respondents have not falsely advertised their preparation as an abortifacient and insofar as it does not find that respondents falsely advertised that borderline anemia is a cause of delayed menstruation. In lieu of the initial decision the Commission issues its findings of fact,[1] conclusion[1] and order as follows:

It is ordered, That the respondents, Doris Savitch, individually, trading as Personal Drug Co., or trading under any other name, and Leo Savitch, as manager of her said business, their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of their medicinal preparation designated "Quick-Kaps" or "D-Lay Capsules" or any preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same names or under any other name, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication:

(a) That the use of said preparation will terminate pregnancy;

(b) That said preparation is of any value in cases of delayed menstruation unless such representations be expressly limited to those cases due to iron deficiency anemia and in which the use of said preparation is continued for a period of time not less than one month;

(c) That borderline anemia will cause delayed menstruation.

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparation, which advertisement contains any representation prohibited in paragraph 1 hereof.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 24, 1954.

By the Commission.

[SEAL] ALEX. AKERMAN, Jr.,
Secretary.

[F. R. Doc. 54-2546; Filed, Apr. 6, 1954; 8:49 a. m.]

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[1] Filed as part of the original document.

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 779—RETAIL OR SERVICE ESTABLISHMENT AND RELATED EXEMPTIONS

LINEN SUPPLY SERVICES

Pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended 29 U. S. C. 201 et seq.), § 779.24 (b) of Interpretative Bulletin, Part 779 (29 CFR Part 779) is hereby amended to read as follows:

(b) *Linen supply services.* A linen supply service will be regarded as an establishment engaged in the business of laundering, cleaning or repairing of clothing or fabrics which will qualify for the section 13 (a) (3) exemption, if it otherwise meets the statutory tests, even if the clothing or fabrics which it supplies to its customers are not owned by them, and even though it may not, itself, perform the laundering, cleaning or repairing operations.

(52 Stat. 1060, as amended; 29 U. S. C. 201–219)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

Signed in Washington, D. C., this 31st day of March 1954.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 54-2473; Filed, Apr. 6, 1954; 8:45 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

Subchapter B—Bureau of the Public Debt

[1954 Dept. Cir. 941]

PART 337—SUPPLEMENTAL REGULATIONS GOVERNING FEDERAL HOUSING ADMINISTRATION DEBENTURES

APRIL 1, 1954.

Sec.
337.0 Scope of regulations.
337.1 Transportation charges and risks.
337.2 Termination of transfers and denominational exchange transactions.
337.3 Presentation and surrender.
337.4 Assignments of matured or called debentures or debentures submitted for purchase.
337.5 Payment of final interest.
337.6 Address for further information.
337.7 General provisions.

AUTHORITY: §§ 337.0 to 337.7 issued under R. S. 161, sec. 303, 59 Stat. 601; 5 U. S. C. 22, 31 U. S. C. 868.

§ 337.0 *Scope of regulations.* The United States Treasury Department is the agent of the Federal Housing Administration for transactions in any debentures which have been or may be issued pursuant to the authority conferred by the National Housing Act (48 Stat. 1246), as amended; 12 U. S. C. 1701 et seq.), as amended from time to time, including Mutual Mortgage Insurance Fund Debentures, Housing Insurance Fund Debentures, War Housing Insurance Fund Debentures, Military Housing Insurance Fund Debentures, and National Defense Housing Insurance Fund Debentures. In accordance with the regulations adopted by the Federal Housing Commissioner and approved by the Secretary of the Treasury, such transactions are governed by the general regulations of the Treasury Department governing United States bonds and notes (Part 306[1] of this subchapter) so far as applicable. The following rules and regulations are prescribed to supplement such general regulations.

§ 337.1 *Transportation charges and risks.* Debentures presented for redemption at call or maturity, or for authorized prior purchase, must be delivered to a Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Division of Loans and Currency, Washington 25, D. C., at the expense and risk of the holder. Debentures bearing restricted assignments may be forwarded by registered mail, but for the owner's protection debentures bearing unrestricted assignments should be forwarded by registered mail insured or by express prepaid.

§ 337.2 *Termination of transfers and denominational exchange transactions.* Debentures, which by their terms are subject to call, may be called for redemption, in whole or in part, at par and accrued interest, on any interest date on three months' notice. No transfers or denominational exchanges in debentures covered by a given call will be made on the books of the Treasury Department on or after the announcement of such call. However, this does not affect the right of a holder of such debenture to sell and assign it on or after the announcement of the call date.

§ 337.3 *Presentation and surrender—* (a) *For redemption.* To facilitate the redemption of called or maturing debentures, they may be presented and surrendered in the manner herein prescribed, in advance (but not more than one month in advance) of the call or maturity date, as the case may be. Early presentation by holders will insure prompt payment of principal and interest when due. The debentures must first be assigned by the registered payee or his assignee, or by his duly constituted representative, in the form and manner indicated in § 337.4, and should then be submitted to any Federal Reserve Bank or to the Bureau of the Public Debt, Division of Loans and Currency, Washington 25, D. C., accompanied by appropriate written advice. A form for this purpose will be printed on the reverse of the notice of call.

(b) *For purchase.* Debentures, the purchase of which has been authorized prior to call or maturity, may be assigned and immediately submitted as instructed in paragraph (a) of this section, accompanied by written instructions.

§ 337.4 *Assignments of matured or called debentures or debentures submitted for purchase.* (a) If the registered payee, or an assignee holding under proper assignment from the registered payee, desires that payment be made to himself, the debentures should be assigned by such payee or assignee, or on his behalf by a duly constituted representative, to "The Federal Housing Commissioner for redemption" or to "The Federal Housing Commissioner for purchase", according to whether the debentures are to be presented for redemption upon call, or at maturity, or for purchase prior to call if purchase is offered. If the owner desires for any reason that payment be made to another, without intermediate assignment, the debentures should be assigned to "The Federal Housing Commissioner for redemption (or, purchase) for the account of _____", inserting the name and address of the person to whom payment is to be made.

(b) An assignment in blank or other assignment having similar effect will be recognized, but in that event the debenture would be, in effect, payable to bearer, and payment will be made in accordance with the instructions received from the person surrendering the debenture for redemption or purchase. For the owner's protection, such assignments should be avoided unless the owner is willing to lose the protection afforded by registration.

(c) Upon call or at maturity a debenture registered in the name of or assigned to a corporation or unincorporated association will be paid on or after the call or maturity date, upon appropriate assignment for that purpose executed on such organization's behalf by a duly authorized officer thereof. An assignment so executed and duly witnessed in accordance with Treasury Department general bond regulations will ordinarily be accepted without proof of the officer's authority. In such cases payment will be made only by check drawn to the order of the corporation or unincorporated association. If debentures registered in the name of or assigned to a corporation or unincorporated association are presented upon call or at maturity and payment is to be made to some other person, or are presented for purchase prior to the call date if authorized, proof of the authority of the officer assigning on behalf of such organization will be required in accordance with the general regulations.

(d) All assignments must be made on the debentures themselves unless otherwise authorized by the Treasury Department.

§ 337.5 *Payment of final interest.* Final interest on any debenture, whether purchased prior to or redeemed on or after the call or the maturity date, will be paid with the principal in accordance with the assignments on the debentures surrendered. In all cases the check in payment of principal and final interest will be mailed to the address given in the Form of Advice accompanying the debentures surrendered.

§ 337.6 *Address for further information.* Any further information which may be desired regarding the redemption

[1] See also Part 307 of this subchapter.

of called or matured debentures, or purchase if authorized, may be obtained from any Federal Reserve Bank or Branch or from the Bureau of the Public Debt, Division of Loans and Currency, Washington 25, D. C.

§ 337.7 *General provisions.* As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to perform any necessary acts under this circular. The Secretary of the Treasury may at any time or from time to time prescribe supplemental and amendatory regulations governing the matters covered by this circular, which shall be communicated promptly to the registered owners of the debentures.

Compliance with the notice, public procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is found to be unnecessary with respect to this circular, which supplements existing regulations without adversely affecting the rights of owners of the securities.

[SEAL] A. N. OVERBY,
Acting Secretary of the Treasury.

[F. R. Doc. 54-2568; Filed, Apr. 6, 1954; 8:53 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter V—War Claims Commission

Subchapter C—Appeals and Hearings

PART 515—APPEALS

Extensive amendments, deletions, and revisions of Part 515 (Appeals) of the War Claims Commission's regulations require revision of that part in its entirety. The following supersedes any and all previous revisions or amendments.

SUBPART A—APPEALS, GENERAL INFORMATION

Sec.
515.1 Basis for appeal.
515.2 Appeal form and time limitations.
515.3 Appeals calendar.
515.4 Consideration of appeals.
515.5 Appeal proceedings in general.
515.6 The Appeals Board.

SUBPART B—HEARINGS

515.15 Docketing and notification of hearing.
515.16 Pre-hearing conference.
515.17 Conduct of hearings.
515.18 Oral argument at close of hearing.
515.19 Proposed findings and conclusions.

SUBPART C—FINDINGS AND CONCLUSIONS

515.30 Appeals Board to render decisions on appeals.
515.31 Decision of the Commission.
515.32 Notice of decision.
515.33 Dismissal of appeals.

SUBPART D—REHEARING AND REARGUMENT

515.35 Rehearing and reargument.

AUTHORITY: §§ 515.1 to 515.35 issued under sec. 2, 62 Stat. 1240; 50 U. S. C. app. 2001.

SUBPART A—APPEALS, GENERAL INFORMATION

§ 515.1 *Basis for appeal.* Any claimant whose claim is denied or is approved for less than the full allowable amount may appeal to the Commission from such determination.

§ 515.2 *Appeal form and time limitations.* (a) An appeal shall be in writing on WCC Form 1105. Any award authorized to be paid or disallowance made prior to May 1, 1954 may be appealed from at any time within six months from the date of the award check or disallowance letter informing the claimant of the original determination. Any award authorized to be paid or disallowance made on or after May 1, 1954 may be appealed from at any time within three months from the date of the award check or disallowance letter informing the claimant of the original determination.

(b) Upon failure to file an appeal within the appropriate period allowed in paragraph (a) of this section the claimant will be deemed to have waived his right to appeal and the decision of the Commission shall constitute a full and final disposition of the case.

(c) (1) All documents, briefs or other additional evidence relative to an appeal from the award or disallowance of a claim under sections 5 (a) through (e), 6 or 7 (a) of the act shall be filed with the Commission at the time of the filing of WCC Form 1105 or within 30 days thereafter except that if such documents, briefs or other additional evidence are requested by the Commission, they shall be filed within 60 days from the date of request therefor if the claimant is within the continental United States or within 90 days from the date of request therefor if the claimant is outside the continental United States. Failure on the part of the claimant to file such documents, briefs or other additional evidence within the time limits shall be grounds for dismissal of the appeal in accordance with § 515.33.

(2) All documents or other additional evidence relative to an appeal from the award or disallowance of a claim under section 7 (b) or (c) of the act shall be submitted prior to December 1, 1953: *Provided*, That the appellant may at any time prior to December 1, 1953, notify the Commission that all additional evidence has been submitted. Appellants under section 7 (b) or (c) shall file all briefs which they desire to file in connection with their appeals prior to January 31, 1954.

§ 515.3 *Appeals calendar.* Upon receipt in Appeals and Hearings Service of WCC Form 1105 from the Claims Service, the case shall be entered on the Appeals and Hearings Docket. Each appeal shall be assigned a docket number in the order of its receipt. This number shall govern the order in which appeals are considered.

§ 515.4 *Consideration of appeals.* (a) If the appellant has specified on WCC Form 1105 that he does not wish to make a personal appearance or to appear through a representative, his appeal, when reached on the appeals calendar, shall be considered by the Appeals Board in accordance with § 515.30 (b).

(b) If the appellant in executing WCC Form 1105 has requested a personal appearance the hearing date will be set in accordance with Subpart B of this part.

(c) A request for a personal appearance may be waived by the interested parties at any time and the case submitted to the Appeals Board in accordance with § 515.30 (b).

§ 515.5 *Appeal proceedings in general.* Appeal proceedings may consist of:

(a) A hearing before the Commissioners or their representatives when requested by the appellant or by the Commission. (See Subpart B of this part.)

(b) Findings and conclusions of the Commission upon a decision of the Appeals Board. (See Subpart C of this part.)

§ 515.6 *The Appeals Board.* (a) The Appeals Board shall consist of three members, one of whom shall be designated Chairman.

(b) The Appeals Board shall consider appeals within the War Claims Commission and shall render decisions on appeals. (See Subpart C of this part.)

SUBPART B—HEARINGS

§ 515.15 *Docketing and notification of hearing.* (a) If the appellant in executing WCC Form 1105 has requested a personal appearance, the appeal will be set for hearing at the earliest date permitted by the hearing docket. The appellant will be notified of the date set. If the appellant fails to appear, the case will be disposed of in the usual order. The appellant may request that the case be reset for a different date within 30 days of the date of notice of hearing if the appellant resides in the continental United States or 90 days if outside the continental United States. The appellant shall be limited to one such request.

(b) The Commission may, in its discretion, require a hearing in any proceeding and shall set the hearing at the earliest practicable date permitted by the hearing docket. The appellant will be notified of the date set. If the appellant fails to appear the appeal shall be dismissed in accordance with § 515.33. The appellant may request that the case be reset for a different date within 30 days of the notice of hearing if within the continental United States or 90 days if outside the continental United States. The appellant shall be limited to one such request.

§ 515.16 *Pre-hearing conference.* At the request of the appellant or by an order of the Appeals Board at any time prior to the hearing, a conference may be arranged between the appellant or his representative and the Appeals Board or its representative at a designated time and place to consider simplification of the issues and any other matter which would tend to expedite the disposition of the hearing.

§ 515.17 *Conduct of hearings.* (a) Unless otherwise ordered by the Commission, hearings on appeals shall be closed. The hearings shall be stenographically reported and the transcript shall be a part of the record.

(b) Hearings shall be held by the Commissioners or by the Appeals Board or by any combination of Commissioners and members of the Appeals Board as may be designated by the Commission in each instance. The Commission will specify the individual who is to serve as chairman of the hearing.

(c) The chairman of a hearing panel may administer oaths and examine witnesses. The chairman may, in accordance with Part 502, Subchapter A of the Commission's regulations in this chapter,

require by subpoena the attendance and testimony of witnesses, as well as the production of all necessary books, papers, documents, records, correspondence, and other evidence.

(d) The appellant shall have the burden of proof on all issues involved in the appeal proceeding.

(e) The appellant, his authorized representative, the Appeals Board or the appellate attorney shall have the right and power to call, examine and cross-examine witnesses and to introduce for the record documentary or other evidence.

(f) The rules of evidence prevailing in courts of law and equity shall not be controlling. Any testimony or other evidence having probative value shall be received. However, it shall be the policy to exclude irrelevant, incompetent, immaterial or unduly repetitious evidence.

(g) In the discretion of the chairman, the hearing or pre-hearing may be adjourned from day to day, postponed to a later date, or to a different place by announcement thereof at the hearing, or by reasonable notice to the interested parties.

§ 515.18 *Oral argument at close of hearing.* Any party shall be entitled upon request at the close of the hearing, to such time as may be fixed by the chairman for oral argument. Oral argument made with the consent of the chairman shall be included in the stenographic report of the hearing.

§ 515.19 *Proposed findings and conclusions.* At the close of the reception of evidence, or within a reasonable time thereafter, to be fixed by the chairman, any party may submit proposed findings and conclusions, together with a brief in support thereof. Such proposal shall be in writing and shall contain appropriate references to the record. Copies thereof shall be furnished to all parties. Reply briefs may be filed with the permission of and within a reasonable time to be fixed by the chairman.

SUBPART C—FINDINGS AND CONCLUSIONS

§ 515.30 *Appeals Board to render decisions on appeals.* (a) After a hearing upon an appeal has been held, the Appeals Board shall, as soon as practicable after receipt of the transcript of the hearing, consider all evidence presented by the appellant in connection with an appeal and shall render a decision on the appeal. (Subject to § 515.31.)

(b) If no hearing is requested upon the appeal, the Appeals Board shall consider all additional evidence and shall render a decision on the appeal. (Subject to § 515.31.)

§ 515.31 *Decision of the Commission.* The decision of the Appeals Board shall be the final action of the Commission, subject to the provisions of § 515.35: *However, provided,* That in the case of appeals arising under section 7 (b) or (c) of the act, or where it is determined by the Appeals Board that elements of Commission policy are involved, the decision shall be referred to the Commissioners and when approved by two Commissioners, shall become the final decision of the Commission.

§ 515.32 *Notice of decision.* Notice of the final decision of the Commission together with a copy thereof shall be furnished to all interested parties.

§ 515.33 *Dismissal of appeals.* (a) An appeal may be dismissed when on its face it is not allowable or when it appears to have been abandoned or when substantiating evidence has not been furnished in accordance with § 515.2.

(b) The decision dismissing an appeal shall be final. The provisions as to notice of finding in § 515.32 and as to rehearing and reargument in § 515.35 shall apply to decisions of the Commission in dismissing an appeal.

SUBPART D—REHEARING AND REARGUMENT

§ 515.35 *Rehearing and reargument.* Any party desiring a rehearing, reargument or any relief not specifically covered by this part, may file a petition with the Commission within ten (10) days if a resident within the continental United States or within sixty (60) days if outside the continental United States after notice of the decision, stating the relief sought and the reasons in support thereof. Evidence in support of the petition should be attached thereto. The Commission may deny or allow the petition in whole or in part, as it deems proper.

WHITNEY GILLILLAND,
Chairman,
War Claims Commission.

[F. R. Doc. 54-2569; Filed, Apr. 6, 1954; 8:53 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 10888]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS; TELEVISION BROADCAST STATIONS

In the matter of amendment of § 3.606 *Table of assignments,* rules governing Television Broadcast Stations; Docket No. 10888.

1. The Commission has under consideration its notice of proposed rule making issued on January 28, 1954 (FCC 54-116) and published in the FEDERAL REGISTER on February 3, 1954 (19 F. R. 624) proposing to assign Channel 3 to Rapid City, South Dakota, as requested by The Hills Broadcasting Company, in a petition filed on December 29, 1953.

2. The time for filing comments in this proceeding expired February 26, 1954. No comments have been filed opposing the proposed amendment. The Black Hills Broadcast Company, Rapid City, South Dakota, supported the proposed amendment and stated that it contemplated the filing of an application for a construction permit on Channel 3 in the event the proposed assignment should be made final. It appears that the proposed assignment is technically feasible, may be made without any other changes in the table, and would be in the public interest.

3. Authority for the adoption of the amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

4. In view of the foregoing: *It is ordered,* That effective 30 days after publication in the FEDERAL REGISTER, the table of assignments contained in § 3.606 of the Commission's rules governing television broadcast stations is amended as follows:

City:	Channel No.
Rapid City, S. Dak.	3+, 7+, 15-

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1084; 47 U. S. C. 301, 303, 307)

Adopted: April 1, 1954.

Released: April 2, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-2552; Filed, Apr. 6, 1954; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Accounts

[31 CFR Part 270]

ESTABLISHMENT OF FEES FOR COPYING, CERTIFYING AND SEARCH OF RECORDS

NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U. S. C. 1003) that the Secretary of the Treasury is considering the establishment pursuant to the provisions of Title V of the Independent Offices Appropriation Act of 1952 (65 Stat. 290, 5 U. S. C. 140) and Bureau of the Budget Circular No. A-28 dated January 23, 1954, of a schedule of fees for the services of copying, certifying and search of records performed by the Bureau of Accounts.

2. It is proposed to add regulations to 31 CFR Part 270 to provide for the imposition and collection of fees for services performed by the Bureau of Accounts as set forth in paragraphs 3 to 6, inclusive, below.

3. For searching of documents covering mortgages, releases, assignments, claims, loans, deeds, etc., $2.00 per hour, with a minimum charge of $1.00. This item will be applicable primarily to copies of documents furnished by the Investments Branch in connection with requests for copies of claim assignments and for searching the War Finance Corporation's records for mortgage releases.

4. For furnishing special fiscal data that have not been published at the time of the request, $2.50 per hour, with a minimum charge of $1.00. This item will be applicable primarily to special repetitive reports requested at frequent intervals by publishers and compilers of economic data. Where individuals make occasional requests for published data or for unpublished data where the cost of compilation is not significant, no charge will be made.

5. For furnishing facsimile copies of documents by photostatic or similar processes:

Size	First copy of each page (one side)	Additional copies of same page
	Cents, each	*Cents, each*
Up to 9" x 12"	30	20
12" x 18"	40	30
18" x 24"	60	50

6. Certifications and validations of reports and documents, with Treasury seal $1.00, without Treasury seal 50 cents.

7. No charge would be made for services performed at the request of agencies of the Federal Government.

8. Comments on the proposed schedule of fees set forth above are invited and should be submitted in writing to the Commissioner of Accounts, Treasury Department, Washington 25, D. C., in time to be received prior to April 15, 1954. No hearing will be held to consider this matter.

[SEAL] A. N. OVERBY,
Acting Secretary of the Treasury.

APRIL 1, 1954.

[F. R. Doc. 54-2567; Filed, Apr. 6, 1954; 8:53 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 970]

[AO-255]

HANDLING OF IRISH POTATOES GROWN IN MAINE

NOTICE OF HEARING WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR 900.0 et seq.), notice is hereby given of a public hearing to be held at the Northeastland Hotel, Presque Isle, Maine, beginning at 9:30 a. m., e. s. t., April 27, 1954, with respect to a proposed marketing agreement and order authorizing regulation of the handling of Irish potatoes grown in the State of Maine. The proposed marketing agreement and order have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the provisions of a marketing agreement and order hereinafter set forth, or appropriate modifications thereof.

Growers and shippers in the State of Maine as represented by the Aroostook County Farm Bureau, the Potato Industry Council, Inc., The Fort Fairfield Potato Growers Association, and the Young Farmers of Central Aroostook, requested a hearing on the following proposed marketing agreement and order authorizing regulation of the handling of potatoes in the proposed production area.

DEFINITIONS

§ 970.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 970.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

§ 970.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 970.4 *Production area.* "Production area" means all territory included within the boundaries of the State of Maine.

§ 970.5 *Potatoes.* "Potatoes" means all varieties of Irish potatoes grown within the production area.

§ 970.6 *Handler.* "Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of potatoes owned by another person) who ships potatoes or causes potatoes to be shipped.

§ 970.7 *Ship or handle.* "Ship" or "handle" means to sell or transport potatoes within the production area or between the production area and any point outside thereof.

§ 970.8 *Grading.* "Grading" means the sorting or separation of potatoes into grades and sizes for market purposes.

§ 970.9 *Grade and size.* "Grade" means any one of the officially established grades of potatoes and "size" means any one of the officially established sizes of potatoes, as defined and set forth in:

(a) The United States Standards for Potatoes issued by the United States Department of Agriculture (§§ 51.1540 to 51.1559 of this title) or amendments thereto, or modification thereof, or variations based thereon;

(b) United States Consumer Standards for Potatoes as issued by the United States Department of Agriculture on November 3, 1947, effective December 8, 1947 (§§ 51.1575 to 51.1587 of this title), or amendments thereto, or modifications thereof, or variations based thereon;

(c) State of Maine Standards for Potatoes issued by the State of Maine Commissioner of Agriculture, or amendments thereto, or modifications thereof, or variations based thereon;

§ 970.10 *Producer.* "Producer" means any person engaged in the production of potatoes for market.

§ 970.11 *Marketing committee.* "Marketing committee" means the Maine Potato Marketing Committee established pursuant to §§ 970.22 to 970.27, inclusive.

§ 970.12 *Administrative committee.* "Administrative committee" means the Maine Potato Administrative Committee established pursuant to §§ 970.22 to 970.27, inclusive.

§ 970.13 *Fiscal period.* "Fiscal period" means the period beginning and ending on the dates approved by the Secretary pursuant to recommendations by the administrative committee.

§ 970.14 *Varieties.* "Varieties" means and includes all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 970.15 *Seed potatoes.* "Seed potatoes" means and includes all potatoes officially certified and tagged, marked or otherwise appropriately identified under the supervision of the official seed potato certifying agency of the State of Maine or other seed certification agencies which the Secretary may recognize.

§ 970.16 *Table stock potatoes.* "Table stock potatoes" means and includes all potatoes not included within the definition of "seed potatoes."

§ 970.17 *Pack.* "Pack" means a unit of potatoes contained in a bag, crate, or other type of container, and which falls within specific weight limits or within specific grade limits, or both, as recommended by the marketing committee and approved by the Secretary.

§ 970.18 *Export.* "Export" means shipment of potatoes beyond the boundaries of continental United States.

§ 970.19 *District.* "District" means each one of the geographical divisions of the production area initially established pursuant to § 970.28 or as reestablished pursuant to § 970.29.

COMMITTEES

§ 970.22 *Administrative agencies.* The agencies for administering the terms and provisions of this part shall be the marketing committee and the administrative committee, called, respectively, the Maine Potato Marketing Committee and the Maine Potato Administrative Committee. Such agencies shall be selected in accordance with the methods set forth in §§ 970.24 to 970.39, inclusive.

§ 970.23 *Committees' functions.* The marketing committee shall have sole responsibility and authority for recommending marketing regulations and such rules and regulations as may be incidental to the administration thereof. The administrative committee shall have authority for and be responsible for providing the staff and the services for carrying out its and the marketing committee's powers and duties.

§ 970.24 *Marketing Committee.* The Maine Potato Marketing Committee

shall consist of 20 members, of whom 15 shall be producers and 5 shall be handlers.

§ 970.25 *Administrative committee.* The Maine Potato Administrative Committee shall consist of not less than 3 members, and any larger number which the marketing committee may recommend and the Secretary approve. Alternates may be recommended by the marketing committee and approved by the Secretary.

§ 970.26 *Selection.* (a) Marketing committee members shall be selected on the basis of districts as established pursuant to § 970.28 or § 970.29. From each district, three producers shall be selected as marketing committee members and one producer shall be selected as marketing committee alternate. From each district, one handler shall be selected as member and one handler shall be selected as alternate.

(b) The members of the administrative committee and alternates shall be selected from among the marketing committee members or alternates.

§ 970.27 *Qualifications for agency membership.* Persons selected as marketing committee members or alternates to represent producers shall be individuals who are producers in the respective district for which selected, or officers or employees of a corporate producer in such district, and such persons shall be residents of the respective district for which selected. Persons selected as marketing committee members or alternates to represent handlers shall be individuals who are handlers in the district for which selected, or officers or employees of a corporate handler, and such persons shall be residents of the district for which selected.

§ 970.28 *Districts.* For the purpose of determining the basis for selecting marketing committee members, the following districts of the production area are hereby initially established:

District No. 1. The towns of Hamlin, Cyr, Township 17, Range 3, townships 16 and 17, Range 4, townships 14, 15, and 16, Range 5, all townships 14, ranges 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16, and all area north thereof in Aroostook County, in the State of Maine.

District No. 2. The towns of Fort Fairfield, Caribou, Washburn, Wade, Perham, Woodland, Limestone, Caswell, Connor, New Sweden, Westmanland and Stockholm in Aroostook County, in the State of Maine.

District No. 3. The Town of Bridgewater, Township D, Range 2, all townships 9, ranges 3, 4, and 5, the town of Oxbow, all townships 9, ranges 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18, and all area north thereof, not included in Districts 1 and 2, in the State of Maine.

District No. 4. The towns of Orient, Haynesville, Glenwood, Township 2, Range 2, the towns of Silver Ridge, Benedicta, all townships 2, ranges 6, 7, 8 west of the east line of the State 9, 10, 11, 12, townships 2, 3, and 4, Range 13, townships 4 and 5, range 14, all townships 5, ranges 15, 16, 17, 18 19, and 20, and all area north thereof, not included in Districts 1, 2, and 3, in the State of Maine.

District No. 5. All the remaining counties, towns, and townships in the State of Maine not included in Districts 1, 2, 3, and 4.

§ 970.29 *Redistricting.* The marketing committee may recommend, and pursuant thereto, the Secretary may approve, the apportionment of members among districts, and the reestablishment of districts within the production area. In recommending any such changes, the marketing committee shall give consideration to: (a) Shifts in potato acreage within districts and within the production area during recent years; (b) the importance of new production in its relation to existing districts; (c) the equitable relationship of committee membership and districts; (d) economies to result for producers in promoting efficient administration due to redistricting or reestablishment of members within districts; and, (e) other relevant factors. No change in districting or in reestablishment of members within districts may become effective within less than 30 days prior to the date on which terms of office begin each year and no recommendations for such redistricting or reestablishment may be made within less than six months prior to such date.

§ 970.30 *Term of office.* (a) The terms of office shall begin as of July 1 and end as of June 30. The term of office of producer members of the marketing committee shall be for three years. The terms of office of the producer members of the initial committee shall be so determined by the Secretary that one third shall be for terms of one year, one third for terms of two years, and one third for terms of three years. The term of office of alternate producer members, and of handler members and alternates shall be for one year. No producer member and no handler member shall serve for more than three consecutive years. The term of office of members and alternates of the administrative committee shall be for one year.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during such term of office and continuing until the end thereof, and until their successors are selected and have qualified.

§ 970.31 *Nomination.* The Secretary may select the members of the marketing committee, and alternates, from nominations which may be made in the following manner:

(a) The administrative committee shall hold or cause to be held prior to May 1 of each year, after the effective date of this subpart, a meeting or meetings of producers in each district and a meeting or meetings of handlers in the production area;

(b) In arranging for such meetings the administrative committee may, if it deems desirable, utilize the services and facilities of existing organizations and agencies;

(c) At each such meeting at least two nominees shall be designated for each position as member and for each position as alternate member on the marketing committee and eligible voters at such meetings may ballot to indicate the ranking of their choice for each nominee;

(d) Nominations for marketing committee members and alternates, and nominations for administrative committee members and alternates, shall be supplied to the Secretary in such manner and form as he may prescribe, not later than June 1 and July 15, respectively, of each year;

(e) Only producers may participate in designating nominees for producer members and alternates on the marketing committee and only handlers may participate in designating nominees for handler members and alternates. Each person who is both a producer and a handler may vote either as a producer or as a handler and he may elect the group in which he votes. In the event a person is engaged in producing or in handling potatoes in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees.

(f) Regardless of the number of districts in which a person produces or handles potatoes, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives in designating nominees for marketing committee members and alternates. An eligible voter's privilege of casting only one vote as aforesaid shall be construed to permit a voter to cast one vote for each position to be filled from the group in the respective district in which he elects to vote.

§ 970.32 *Failure to nominate.* If nominations are not made within the time and in the manner specified in § 970.31, the Secretary may, without regard to nominations, select the marketing committee and the administrative committee members and alternates, which selection shall be on the basis of the representation provided for in §§ 970.28 and 970.29.

§ 970.33 *Acceptance.* Any person selected as a marketing committee or as an administrative committee member or alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 970.34 *Vacancies.* To fill marketing committee or administrative committee vacancies, the Secretary may select such members or alternates from unselected nominees on the current nominee list from the district involved, or from nominations made in the manner specified in § 970.31. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, such vacancy may be filled without regard to nominations, which selection shall be made on the basis of the representation provided for in §§ 970.28 and 970.29.

§ 970.35 *Alternate members.* In the event any member of the marketing committee is unable to attend a meeting of the marketing committee, the alternate who was selected from the same district and from the same group as the absent member may act in the place and stead of the absent member. In the event of the death, removal, resignation, or disqualification of a member, a quali-

fied alternate shall act for him until a successor of such member is selected and has qualified. In the event such alternate cannot attend, or there is no alternate available to act in the place and stead of an absent member, an absent member may designate, subject to the disapproval of the Secretary, a temporary substitute to attend such meeting. At such meeting, such temporary substitute may act in the place and stead of such member.

§ 970.36 *Procedure.* (a) A majority of the members of the marketing committee from each of at least four districts shall be necessary to constitute a quorum and a majority of concurring votes of the entire membership of such marketing committee will be required to pass any motion or approve any marketing committee action. A majority of the members of the administrative committee shall be necessary to constitute a quorum and a majority of concurring votes of the entire membership of such administrative committee will be required to pass any motion or approve any administrative committee action.

(b) Either the marketing committee or the administrative committee, or both, may provide for meeting by telephone, telegraph, or other means of communication and any vote cast at such a meeting shall be confirmed promptly in writing: *Provided,* That if any assembled meeting is held, all votes shall be cast in person.

§ 970.37 *Expenses and compensation.* Marketing committee and administrative committee members and alternates shall serve as such members and alternates without compensation, but they shall be reimbursed for expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this part.

§ 970.38 *Powers.* The administrative agencies shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 970.39 *Duties.* (a) It shall be the duty of the marketing committee: (1) To meet prior to the beginning of the marketing season each year, to organize, to select from among its membership a chairman and such other officers as may be necessary, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(2) To nominate members and alternates for the administrative committee;

(3) To prepare a marketing policy;

(4) To recommend marketing regulations to the Secretary;

(5) To recommend rules and procedures for, and to make determinations in connection with, issuance of certificates of privilege or exemptions, or both; and

(6) To set up subcommittees, including a special public relations subcommittee for working with producers, handlers, and the general public in connection with specific regulations, rules, practices, administrative committee services, inspection, terminal marketing practices, transportation, and such other matters as are related to this marketing program.

(b) It shall be the duty of the administrative committee:

(1) To meet each year as soon as possible after selection, to organize, to select from among its membership a chairman and such other officers as may be necessary, and to adopt such rules and regulations for the conduct of its business at it may deem advisable.

(2) To act as intermediary between the Secretary and any producer or handler, and between the Secretary and the marketing committee;

(3) To furnish to the Secretary such available information as he may request;

(4) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(5) To investigate from time to time and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to potatoes, as may be necessary for administration of this part;

(6) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the administrative committee and of the marketing committee, and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative;

(7) To make available to producers and handlers marketing committee voting records on recommended regulations and on other matters of policy;

(8) At the beginning of each fiscal period to prepare a budget of its expenses and a proposed rate of assessment for such fiscal period, together with a report thereon;

(9) To cause the books of the administrative committee to be audited by a competent accountant at least once each year, and at such other time as such committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part; a copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of such committee for inspection by producers and handlers;

(10) To investigate an applicant's claim for exemption, and

(11) To consult, cooperate, and exchange information with other marketing order committees and other individuals or agencies in connection with all proper activities and objectives of such committees under this part.

EXPENSES AND ASSESSMENTS

§ 970.43 *Expenses.* The administrative committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred by the administrative agencies during each fiscal period for the maintenance and functioning of such agencies and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. Handlers shall share expenses on the basis of each fiscal period. Each handler's share of such expense shall be proportionate to the ratio between the total quantity of potatoes shipped by him as the first applicant for inspection thereof during a fiscal period and the total quantity of potatoes shipped by all handlers as first applicants for inspection thereof during such fiscal period.

§ 970.44 *Budget.* (a) At the beginning of each fiscal period and as may be necessary thereafter, the administrative committee shall prepare an estimated budget of income and expenditures necessary for the administration of this part. The administrative committee may recommend to the Secretary a rate of assessment calculated to provide adequate funds to defray its proposed expenditures. The administrative committee shall present such budget to the Secretary with an accompanying report showing the basis for its calculations.

(b) Whenever the administrative committee finds that the rate of assessment for a fiscal period is not sufficient to provide revenue to defray expenses for such period, it may present an amended budget to the Secretary and recommend that the rate of assessment be changed to cover such expenses.

§ 970.45 *Assessments.* (a) The funds to cover such expenses shall be acquired by the levying of assesments upon handlers as provided in this subpart. Each handler who first applies for inspection of potatoes shall pay assessments to the administrative committee upon demand, which assessments shall be in payment of such handlers pro rata share of the agencies' expenses.

(b) Assessments shall be levied upon handlers at rates established by the Secretary. Such rates may be established upon the basis of the administrative committee's recomendations and other available information. Such rates may be applied equitably to each pack or unit.

(c) At any time during or subsequent to a given fiscal period the administrative committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendations or other available information the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all potatoes which were regulated under this part and which were shipped by the first applicant for inspection thereof during such fiscal period.

§ 970.46 *Accounting.* (a) All funds received by the administrative committee pursuant to the provisions of this subpart shall be used solely for the purposes specified in this part.

(b) The Secretary may at any time require the administrative committee, its members and alternates, employees, agents, and all other persons to account for all receipts and disbursements, funds, property, or records for which they are responsible. Whenever any person ceases to be a member or alternate of either the administrative committee or the marketing committee he shall account for all

receipts, disbursements, funds, and property (including but not being limited to books and other records) pertaining to such committees' activities for which he is responsible, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor, agency, or person designated by the Secretary, the right to all of such property and funds and all claims vested in such person.

(c) The administrative committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other property of the administrative agencies during periods when regulations are not in effect and, if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the administrative committee or the marketing committee, or both.

§ 970.47 *Refunds.* At the end of each fiscal period or other representative period used by the administrative committee as a basis for seasonal accounting, monies arising from the excess of assessments over expenses shall be accounted for as follows:

(a) Each handler entitled to a proportionate refund of the excess assessments at the end of a fiscal period shall be credited with such refund against the operations of the following fiscal period unless he demands payment thereof, in which event such proportionate refund shall be paid to him, or

(b) The Secretary, upon recommendation of the administrative committee, may determine that it is appropriate for the maintenance and functioning of such administrative committee that some of the funds remaining at the end of a fiscal period which are in excess of the expenses necessary for operations during such period may be carried over into following periods as a reserve for possible liquidation. Upon approval by the Secretary, such reserve may be used upon termination of this part to liquidate the affairs of the administrative committee and of the marketing committee: *Provided*, That upon termination of this part any monies in the reserve for liquidation which are not required to defray the necessary expenses of liquidation shall to the extent practical be returned upon a pro rata basis to all persons from whom such funds were collected.

REGULATION

§ 970.50 *Marketing policy*—(a) *Preparation.* Prior to each marketing season the marketing committee shall consider and prepare a proposed policy for the marketing of potatoes. In developing its marketing policy the marketing committee shall investigate relevant supply and demand conditions for potatoes. In such investigations the marketing committee shall give appropriate consideration to the following:

(1) Market prices for potatoes, including prices by grade, size, and quality in different packs, or any other shipping unit;

(2) Supply of potatoes by grade, size, and quality in the production area and in other production areas;

(3) The trend and level of consumer income;

(4) Establishing and maintaining orderly marketing conditions for potatoes;

(5) Orderly marketing of potatoes as will be in the public interest, and

(6) Other relevant factors.

(b) *Reports.* (1) The administrative committee shall submit a report for the marketing committee to the Secretary setting forth the aforesaid marketing policy and the administrative committee shall notify producers and handlers of the contents of such report.

(2) In the event it becomes advisable to shift from such marketing policy because of changed supply and demand conditions, the marketing committee shall prepare a new marketing policy in accordance with the manner previously outlined. The administrative committee shall submit a report thereon for the marketing committee to the Secretary and notify producers and handlers of the contents of such report on the revised or amended marketing policy.

§ 970.51 *Recommendations for regulations.* The marketing committee shall recommend to the Secretary grade, size, and quality regulations, or volume regulations, or both, or amendments thereto, or modifications thereof, whenever it finds that such regulations, as provided in § 970.52 or § 970.53, or both, will tend to effectuate the declared policy of the act. The marketing committee also may recommend modification, suspension, or termination of any regulation, or amendments thereto, in order to facilitate shipments of potatoes for the purposes authorized in § 970.57. The marketing committee may also recommend termination or suspension of any regulation issued hereunder.

§ 970.52 *Issuance of grade, size, and quality regulations.* The Secretary shall limit the shipment of potatoes whenever he finds from the recommendations and information submitted by the marketing committee, or from other available information, that such regulation would tend to effectuate the declared policy of the act. Such limitation may:

(a) Regulate in any or all portions of the production area, the shipment of particular grades, sizes, or qualities of any or all varieties of table stock or of seed potatoes, or both, during any period; or

(b) Regulate the shipment of particular grades, sizes, or qualities of potatoes differently, for different varieties, for table stock or seed, for different portions of the production area, for different packs, or for any combination of the foregoing, during any period; or

(c) Regulate the shipment of potatoes by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity.

§ 970.53 *Volume regulations.* The Secretary shall limit the shipment of potatoes by establishing salable and surplus percentages whenever he finds from the recommendations and information submitted by the marketing committee, or from other available information, that such regulation would tend to effectuate the declared policy of the act. Such regulation may:

(a) Provide that not more than an established percentage of the potatoes grown in any or all portions of the production area may be shipped during any specified period or periods as table stock potatoes or seed potatoes, or both;

(b) Limit the total quantity of table stock potatoes, or of seed potatoes, or both, or of any grade, size, or quality thereof, which may be handled by any and all handlers in any or all portions of the production area during any specified period or periods, by requiring, or providing methods for requiring evidence satisfactory to the administrative committee that each handler shipping table stock potatoes or seed potatoes, or both, has diverted to approved outlets a volume of potatoes proportionate to the surplus percentage recommended by the marketing committee and approved by the Secretary;

(c) Determine, or provide methods for determining, the existence and extent of the surplus of potatoes, or of any grade, size, or quality thereof, in any or all portions of the production area during any season, or portion thereof, and provide for the control and disposition of such surplus, and for equalizing the burden of such surplus elimination or control among the producers and handlers thereof, and such provisions may include the following authorizations which are incidental to, and not inconsistent with the terms and conditions above specified, and necessary to effectuate the provisions of this part;

(d) Authorize the administrative committee, or any agency recommended by the administrative committee and selected by the Secretary, to administer the provisions of this part, which shall include any one or more of the following:

(i) Recommendations for assessments;

(ii) Collection of assessments;

(iii) Disbursement of funds and effecting control and disposition of such surplus;

(iv) To assist in negotiation of contracts for purchase and sale of surplus potatoes;

(v) To require reports by handlers on their sales and contributions to surplus;

(vi) To issue reports to the Secretary and to the industry on stocks of potatoes in the production area, shipments of table stock and seed, contributions to surplus, and on such other information which may be of value to the industry.

§ 970.57 *Modification, suspension, or termination.* Upon the basis of recommendations and information submitted by the marketing committee, or other available information, the Secretary shall modify, suspend, or terminate regulations issued pursuant to §§ 970.45, 970.52, 970.53, 970.57, 970.65, or any combination thereof, in order to facilitate shipments of potatoes for the following purposes whenever he finds that it will tend to effectuate the declared policy of the act:

(a) For grading or storage within the production area;

(b) For use as seed within the production area;

(c) For export;

(d) For distribution by the Federal Government;

(e) For manufacture or conversion into specified products;

(f) For charitable purposes;

(g) For livestock feed; and

(h) For other purposes which may be specified.

§ 970.58 *Minimum quantity regulation.* The marketing committee with the approval of the Secretary, may establish for any or all portions of the production area, minimum quantities below which shipments will be free from regulations issued pursuant to §§ 970.45, 970.52, 970.53, 970.57, 970.65, or any combination thereof.

§ 970.59 *Notification of regulation.* The Secretary shall notify the administrative committee of any regulations issued or of any modification, suspension, or termination thereof. The administrative committee shall give reasonable notice thereof to handlers.

§ 970.60 *Safeguards.* (a) The marketing committee, with the approval of the Secretary, may prescribe adequate safeguards to prevent shipments pursuant to §§ 970.57 or 970.58 from entering channels of trade for other than the specific purpose authorized therefor, and rules governing the issuance and the contents of Certificates of Privilege if such certificates are prescribed as safeguards by the marketing committee. Such safeguards may include requirements that:

(1) Handlers shall file applications with the administrative committee to ship potatoes pursuant to §§ 970.57 and 970.58.

(2) Handlers shall obtain inspection provided by § 970.65, or pay the pro rata share of expenses provided by § 970.45 or both, in connection with potato shipments effected under the provisions of § 970.57: *Provided*, That such inspection or payment of expenses may be required at different times than otherwise specified by the aforesaid sections; and

(3) Handlers shall obtain Certificates of Privilege from the administrative committee for shipments of potatoes effected or to be effected under the provisions of §§ 970.57 and 970.58.

(b) The administrative committee may rescind or deny Certificates of Privilege to any shipper if proof is obtained that potatoes shipped by him for the purposes stated in §§ 970.57 and 970.58 were handled contrary to the provisions of this subpart.

(c) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the administrative committee pursuant to the provisions of this section.

(d) The administrative committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of potatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of potatoes shipped under duly issued certificates, and such other information as may be requested.

INSPECTION

§ 970.65 *Inspection and certification.* (a) During any period in which shipments of potatoes are regulated pursuant to §§ 970.45, 970.52, 970.53, or 970.57, or any combination thereof, no handler shall ship potatoes unless each such shipment is inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate, except when relieved from such requirements pursuant to §§ 970.57 or 970.58, or both.

(b) Regrading, resorting, or repacking any lot of potatoes shall invalidate any prior inspection certificates insofar as the requirements of this section are concerned. No handler shall ship potatoes after they have been regraded, resorted, repacked, or in any other way further prepared for market, unless each shipment of such potatoes is inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate.

(c) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the marketing committee with the approval of the Secretary.

(d) Each handler obtaining inspection as required in this section shall make arrangements with the inspection agency to forward promptly to the administrative committee a copy of each inspection certificate.

EXEMPTION

§ 970.70 *Policy.* (a) Any producer whose potatoes have been adversely affected by acts beyond his control or by acts beyond reasonable expectation and who, by reason of any regulation issued pursuant to § 970.52, is prevented from shipping during the season, or a specific portion thereof, as large a proportion of his potato crop as the average proportion shipped or to be shipped during comparable portions of the season by all producers in his immediate area of production, may apply to the administrative committee for exemptions from such regulations for the purpose of obtaining equitable treatment under such regulations.

(b) Any handler who has storage holdings of ungraded potatoes acquired during or immediately following the digging season that have been adversely affected by acts beyond the handler's control or by acts beyond reasonable expectation and who, by reason of any regulation issued pursuant to § 970.52, is prevented from shipping as large a proportion of his storage holdings of ungraded potatoes as the average proportion of ungraded storage holdings shipped by all handlers in said handler's immediate shipping area, may apply to the administrative committee for exemptions from such regulations for the purpose of obtaining equitable treatment under such regulations.

§ 970.71 *Rules and procedures.* The marketing committee may adopt, with approval of the Secretary, the rules and procedures for handling exemptions. Such rules and procedures should provide for handling applications for exemptions, for issuing certificates of exemption, for marketing committee determinations with respect to areas and averages (as required by § 970.70), and for such other procedures as may be necessary to accomplish policies with respect to exemptions.

§ 970.72 *Applications and issuance.* The administrative committee shall issue certificates of exemption to any qualified applicant who furnishes adequate evidence to such committee:

(a) That the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation;

(b) That by reason of regulations issued pursuant to § 970.52, in case of an applicant who is a producer, he will be prevented from shipping as large a proportion of his production as the average proportion of production shipped by all producers in said applicant's immediate area of production during the season, or a specific portion thereof;

(c) That by reason of regulations issued pursuant to § 970.52, in case of an applicant who is a handler who has storage holdings of ungraded potatoes acquired during or immediately following the digging season, he will be prevented from shipping as large a proportion of such storage holdings as the average proportion of similar storage holdings shipped by all handlers in said applicant's immediate shipping area during the season;

(d) Each certificate shall permit the recipient thereof to ship the potatoes described thereon, and evidence of such certificates shall be made available to subsequent handlers thereof.

§ 970.73 *Investigation.* The administrative committee shall be permitted at any time to make a thorough investigation of any applicant's claim pertaining to exemptions.

§ 970.74 *Appeals.* If any applicant for exemption certificate is dissatisfied with the determination with respect to his application, said applicant may file an appeal with the administrative committee. Such an appeal must be taken promptly after the determination from which the appeal is taken. Any applicant filing an appeal shall furnish evidence satisfactory to such administrative committee for a determination on the appeal. The administrative committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application. The administrative committee shall notify the appellant of the final determination, and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

§ 970.75 *Records.* The administrative committee shall maintain a record of all applications submitted for exemption certificates, a record of all exemption certificates issued and denied, the quantity of potatoes covered by such exemption certificates, a record of the

amount of potatoes shipped under exemption certificates, a record of appeals for reconsideration of applications, and such other information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the administrative committee upon request of the Secretary.

MISCELLANEOUS PROVISIONS

§ 970.80 *Reports.* Upon the request of the administrative committee with the approval of the Secretary, every handler shall furnish to the administrative committee, in such manner and at such time as may be prescribed, such information as will enable the administrative committee to exercise its powers and perform its duties under this subpart. The Secretary shall have the right to modify, change, or rescind any requests for reports pursuant to this section.

§ 970.81 *Compliance.* Except as provided in this subpart, no handler shall ship potatoes, the shipment of which has been prohibited by the Secretary in accordance with provisions of this subpart, and no handler shall ship potatoes except in conformity to the provisions of this subpart.

§ 970.82 *Right of the Secretary.* The members of the marketing committee and of the administrative committee (including successors and alternates), and any agent or employee appointed or employed by such committees, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the marketing committee or of the administrative committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval the disapproved action of the said committees shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 970.83 *Effective time.* The provisions of this subpart shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in this subpart.

§ 970.84 *Termination or suspension.* (a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers, who during the preceding marketing season, have been engaged in the production for market of potatoes: *Provided*, That such majority has, during such period produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effective only if announced at least 30 days prior to the end of the then current fiscal period.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 970.85 *Proceedings after termination.* (a) Upon the termination of the provisions of this subpart, the members of the administrative committee then functioning shall continue as joint trustees, for the purpose of liquidating the affairs of the marketing committee and of the administrative committee, of all the funds and property then in the possession of or under control of such committees, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committees and of the trustees, to such person as the Secretary may direct; and shall upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the marketing committee or the administrative committee, or both, or the joint trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims, have been transferred or delivered by the marketing committee or the administrative committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of such committees and upon the said trustees.

§ 970.86 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or any regulation issued pursuant to this subpart or the issuance of any amendments to either thereof, shall not (1) effect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (2) release or extinguish any violation of this subpart or of any regulations issued under this subpart or (3) effect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 970.87 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 970.88 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 970.89 *Derogation.* Nothing contained in this subpart is, or shall be construed to be in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 970.90 *Personal liability.* No member or alternate of the marketing committee or of the administrative committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent except for acts of dishonesty.

§ 970.91 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstances, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 970.92 *Amendments.* Amendments to this subpart may be proposed, from time to time, by the marketing committee or by the Secretary.

§ 970.93 *Counterparts.* This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.[1]

§ 970.94 *Additional parties.* After the effective date of this part, any handler who has not previously executed this agreement may become a party to this part if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.[1]

§ 970.95 *Order with marketing agreement.* Each signatory handler favors and approves the issuance of an order, by the Secretary, regulating the handling of potatoes in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act, such an order.[1]

Copies of this notice of hearing may be procured from the Hearing Clerk, United States Department of Agriculture, Room 1846, South Building, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 2d day of April 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-2572; Filed, Apr 6, 1954; 8:54 a. m.]

[1] Applicable only to the proposed marketing agreement.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 2]

[Docket No. 10988]

FREQUENCY ALLOCATIONS

USE OF CERTAIN FREQUENCY BANDS BY RADIOPOSITIONING STATIONS

In the matter of amendment of Part 2 of the Commission's rules and regulations concerning the use of the frequency bands 10–14 kc, and 90–110 kc by radiopositioning stations; Docket No. 10988.

Notice is hereby given of proposed rule making in the above entitled matter.

The table of frequency allocations contained in Part 2 of the Commission's rules now show the band 10–14 kc allocated exclusively to the radionavigation service and the band 90–110 kc allocated to the fixed, maritime mobile and radionavigation services. The Atlantic City Table of Frequency Allocations specifies that the band 90–110 kc is available for the development of long distance radionavigation systems looking toward the adoption of one such system internationally. Developments in the field of radiolocation indicate that radionavigation techniques may also be employed for radiopositioning (such as radio surveying).

Accordingly, to permit the development of radiolocation equipment which may eventually be used for either radionavigation or radiopositioning it is proposed to amend § 2.104 (a) of the Commission's rules and regulations so that, frequencies in the bands 10–14 kc and 90–110 kc may be authorized for developmental use by radiopositioning stations on a secondary basis to the radionavigation service as shown below. Previously, a similar provision was made with reference to the 3000, 5000 and 9000 Mc Radionavigation bands through the addition of footnote NG 18.

The proposed amendments to the rules are issued under the authority of sections 303 (c), (f) and (r) of the Communications Act of 1934, as amended.

Any interested person who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before May 3, 1954, written data, views or arguments setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments in reply to the original comments may be filed within 15 days from the last day for filing said original data, views or arguments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

In accordance with the provisions of § 1.764 of the Commission's rules, an original and fourteen copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: March 31, 1954.

Released: April 1, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

In § 2.104 *Frequency allocations*, amend paragraph (a) (5) as follows:

In the bands 10–14 kc, 90–100 kc and 100–110 kc add footnote in Column 7 to read as follows: "Land radiopositioning stations and mobile radiopositioning stations may be authorized, on a developmental basis, to use frequencies in this band on the condition that harmful interference will not be caused to the radionavigation service."

[F. R. Doc. 54-2553; Filed, Apr. 6, 1954; 8:50 a. m.]

[47 CFR Part 3]

[Docket No. 10936]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS; NOTICE OF EXTENSION OF TIME FOR FILING REPLIES TO COMMENTS

In the matter of amendment of § 3.606 *Table of assignments*, rules governing television broadcast stations; Docket No. 10936.

1. On February 25, 1954, the Commission issued a notice of proposed rule making (FCC 54-260) in the above-entitled matter which specified that comments were to be filed on or before March 24, 1954. The time for filing replies to such comments was specified as 10 days from the last day for filing original comments. Mr. John H. Phipps has requested an extension of one week for filing a reply to comments filed in the proceeding. Mr. Phipps states that prior commitments require the attention of his counsel outside of Washington and that he has not had an opportunity to study the comments filed and prepare a reply thereto.

2. It is our view that an extension of one week for filing replies to comments in this proceeding is warranted. Accordingly, notice is hereby given that the time for filing replies to comments filed in the above-entitled matter is extended to April 12, 1954.

Adopted: March 31, 1954.

Released: April 1, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-2554; Filed, Apr. 6, 1954; 8:50 a. m.]

[47 CFR Part 3]

[Docket No. 10989]

AFFILIATION AGREEMENTS; TERRITORIAL EXCLUSIVITY

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of § 3.658 (b) of the Commission's rules and regulations; Docket No. 10989.

1. The Commission has under consideration the revision of § 3.658 (b) of its Chain Broadcasting rules relating to the right of television broadcast stations to contract for territorial exclusivity with network organizations.

2. Under the present provisions of § 3.658 (b), a network affiliate which renders coverage to a substantial portion of the service area of a station located in another community may, if it has so contracted with the network, preclude the station in that other community from carrying particular network programs, even though the programs' sponsors and the network desired that they be broadcast by the latter station also.

3. The question before the Commission is whether § 3.658 (b) of its rules should be revised as follows:

(b) *Territorial exclusivity.* No license shall be granted to a television broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which prevents or hinders another broadcast station located in the same community [15a] from broadcasting the network's programs not taken by the former station, or which prevents or hinders another broadcast station located in a different community from broadcasting any program of the network organization. This regulation shall not be construed to prohibit any contract, arrangement, or understanding between a station and a network organization pursuant to which the station is granted the first call in its community upon the programs of the network organization.

4. It does not appear that adoption of this proposal would require any drastic revision of present network-affiliate relationships. In this connection, we note that two of the four major networks, in most instances, now grant their affiliates "first call" or "the right of first refusal" limited substantially in the manner specified by the proposed revision, while one does not appear to grant any "territorial exclusivity."

5. Authority for the adoption of the proposed amendment is contained in sections 1 and 303 (i) and (r) of the Communications Act of 1934, as amended.

6. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before May 3, 1954, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will con-

[15a] As employed in this paragraph, the term "community" is defined as the listed city to which the channel of the station is assigned in the Commission's Table of Assignments and all other cities not listed in the Table of Assignments located within 15 miles of the listed community.

sider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

7. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: April 1, 1954.

Released: April 2, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-2555; Filed, Apr. 6, 1954; 8:51 a. m.]

[47 CFR Parts 31, 34, 35]

[Docket No. 10985]

UNIFORM SYSTEM OF ACCOUNTS FOR CLASS A AND CLASS B TELEPHONE COMPANIES, RADIOTELEGRAPH CARRIERS, AND WIRE-TELEGRAPH AND OCEAN-CABLE CARRIERS

NOTICE OF PROPOSED RULE MAKING

In the matter of amendments of Part 31, Uniform System of Accounts for Class A and Class B Telephone Companies, Part 34, Uniform System of Accounts for Radiotelegraph Carriers, and Part 35, Uniform System of Accounts for Wire-Telegraph and Ocean-Cable Carriers, of the Commission's rules and regulations; Docket No. 10985.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend the uniform systems of accounts for Class A and Class B telephone carriers, for radiotelegraph carriers, and for wire-telegraph and ocean-cable carriers (Parts 31, 34, and 35, respectively) with regard to accounting for employees pensions and certain other benefits, to become effective six months after publication in the FEDERAL REGISTER of the final order herein: *Provided, however,* That the carriers may, if they so desire, place these amendments, in whole or in part, into effect in less than six months after such publication or retroactively to January 1, 1954.

3. The proposed amendments set forth below provide for inclusion in the appropriate operating expense accounts of the entire cost of pensions whether paid on a current basis or provided for in advance through payments into trust funds irrevocably dedicated to that purpose, so long as such advance provisions meet certain conditions set forth in the texts of the accounts. The proposed amendments also provide for certain modifications and clarifications with respect to accounting for the cost of workmen's compensation and supplementary and special pensions.

4. The proposed amendments are issued under authority of sections 4 (i) and 220 of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the manner proposed herein, may file with the Commission on or before May 3, 1954, a statement or brief setting forth his comments. At the same time, persons favoring the amendments as proposed may file statements in support thereof. Comments or briefs in reply to the original comments or briefs may be filed within ten days of the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for filing of such additional comments is established. The Commission will consider all such comments that are presented before taking action in the matter and, if any comments are submitted which appear to warrant the holding of oral argument, notice of the time and place of such oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and fourteen copies of all statements or briefs filed shall be furnished to the Commission.

Adopted: March 31, 1954.

Released: April 1, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Immediately after the first sentence of paragraph (b) of §§ 31.672, 34.4435, and 35.4327, insert the following: "There may be included in this account reasonable amounts to provide for pension costs based on service rendered prior to the period for which the accruals are made. Such amounts may be spread over a reasonable period of years if inclusion in the current year seriously distorts the expenses of that year."

2. Delete paragraph (c) of §§ 31.672, 34.4435, and 35.4327 and substitute in lieu thereof the following:

(c) There shall be segregated in a separate subaccount any charges representing interest on the unfunded actuarial liability for the purpose of arresting the growth of such liability or any charges designed to dispose of, in a lump sum amount or over a reasonable period of years, such unfunded actuarial liability.

3. To the list of items following the main text of §§ 31.672, 34.4435 and 35.4327 add in alphabetical order the two items set forth below:

Cost of providing workmen's compensation.
Payments for supplementary or special pensions.

4. Delete in its entirety § 35.4323 *Workmen's compensation;* in Note D to § 35.4321, and in Note B to § 35.4325, delete "account 4323, 'Workmen's compensation' " and substitute in lieu thereof "account 4327, 'Relief and pensions' ". Delete the reference in § 35.4311 to § 35.4323.

5. Revise § 35.2215 (b) to read as follows:

(b) This account shall also be credited with amounts that are charged to account 4327, "Relief and pensions", when under statutes to which the carrier is subject, self-insurance of risks for workmen's compensation for employees' liability is required or permitted.

6. Delete from Note B to § 35.2215 the words: "workmen's-compensation".

7. Delete from the first sentence of paragraph (a), § 34.4425 *Insurance* the following: "and the amount of insurance premiums paid in compliance with statutes requiring the carrier to provide for workmen's compensation or similar employee protection, except such costs as are includible in the clearing accounts."

[F. R. Doc. 54-2556; Filed, Apr. 6, 1954; 8:51 a. m.]

[47 CFR Parts 34, 35]

[Docket No. 10986]

UNIFORM SYSTEM OF ACCOUNTS FOR RADIOTELEGRAPH CARRIERS AND WIRE-TELEGRAPH AND OCEAN-CABLE CARRIERS

NOTICE OF PROPOSED RULE MAKING

In the matter of amendments of Parts 34, Uniform System of Accounts for Radiotelegraph Carriers, and 35, Uniform System of Accounts for Wire-Telegraph and Ocean-Cable Carriers of the Commission's rules and regulations; Docket No. 10986.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend certain provisions of Parts 34 and 35 of the Commission's rules and regulations, relating to depreciation accounting, as set forth below, to become effective six months after publication in the FEDERAL REGISTER of the final order herein, with the provision that these amendments may be made effective immediately upon issuance of a final order herein.

3. It has been found on the basis of studies conducted by this Commission that with respect to most classes of plant the remaining-life principle of computing depreciation is less suitable than the total-life method. Accordingly, the proposed amendments are designed to require the use of the total-life depreciation method except:

(a) Where the Commission after investigation prescribes the remaining-life method of depreciation accounting or

(b) Where the carrier makes proper application to, and receives prior approval from, the Commission to use the remaining-life method of depreciation accounting.

(c) Carriers currently using the remaining-life method may continue to do so, unless specifically directed otherwise by the Commission.

4. The proposed amendments further eliminate the provision in paragraph (a) of § 35.04-3 of the rules, that the accrued depreciation included in the carrier's Allowance for Depreciation (Account 1515) shall at no time exceed the depreciation-allowance requirement. This provision has been found to be burdensome and impracticable of application and, accordingly, is proposed for deletion.

5. The proposed amendments are issued under authority of sections 4 (i),

and 220 of the Communications Act of 1934, as amended.

6. Any interested party who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the manner proposed herein, may file with the Commission on or before May 3, 1954 a statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within ten days of the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments that are presented before taking action in the matter and, if any comments are submitted which appear to warrant the holding of oral argument, notice of time and place of such argument will be given.

7. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and fourteen copies of all statements and briefs filed shall be furnished to the Commission.

Adopted: March 31, 1954.

Released: April 1, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Revise paragraph (c) of §§ 34.04–2 and 35.04–2 to read as follows:

(c) When, with respect to any class or subclass of plant, the rate of depreciation previously applied in the accounts is no longer applicable for any reason, the carrier shall take such steps as are required (see § 43.43 of this subchapter) to put into effect at the earliest practicable date such new depreciation rate (computed as provided in paragraph (a) of this section) as is then appropriate to give recognition to the currently estimated total service-life and net-salvage factors. The carrier, upon receiving prior approval from the Commission or, upon prescription by the Commission, shall apply such depreciation rate as will amortize the difference between the net book cost of a class or subclass of plant and its estimated net salvage value during the known or estimated remaining service life of that plant. However, any carrier which at the effective date of this rule, is applying the remaining-life method of depreciation accounting may continue to do so unless otherwise directed by the Commission.

2. Delete from paragraph (a) of § 35.04–3 the last sentence reading as follows: "The amount remaining in account 1515, with respect to any class or subclass of operated plant for which a separate specific percentage rate is computed, shall at no time be in excess of the depreciation-allowance requirement computed on the basis of the then applicable depreciation rate (see § 35.04–2) and the remaining life expectancy of such class or subclass of operated plant. (See also § 35.03–21.)"

3. Delete from paragraph (a) § 34.04–2 the last part of the first sentence reading as follows: "* * * or to the cost of that portion of such plant with respect to which the estimated service value has not been completely accounted for through the aggregate of prior current allowances for depreciation."

[F. R. Doc. 54–2557; Filed, Apr. 6, 1954; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLOCKUM GAME RANGE, WASHINGTON

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

MARCH 29, 1954.

An application, serial number W–01109, for the withdrawal from all forms of appropriation under the public land laws, except none of the lands described below was filed on July 27, 1953, by United States Fish and Wildlife Service.

The purposes of the proposed withdrawal: Colockum Game Range, Washington.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Regional Administrator, Region I, Bureau of Land Management, Department of the Interior at Swan Island Station, Portland 18, Oregon. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

WILLIAMETTE MERIDIAN

T. 20 N., R. 21 E.,
Sec. 2, Lots 1 to 12 inclusive;
Sec. 8, N½NE¼, W½SW¼, S½SE¼;
Sec. 10, W½NE¼, NW¼;
Sec. 12, N½, N½S½.
T. 20 N., R. 22 E.,
Sec. 6, All;
Sec. 8, NE¼SW¼;
Sec. 22, NE¼, N½NW¼, NW¼SW¼, NE¼SE¼, S½SE¼;
Sec. 26, NW¼, S½;
Sec. 32, SE¼NE¼, W½, N½SE¼, W½NE¼.
T. 21 N., R. 22 E.,
Sec. 32, W½W½, SE¼NW¼.

The areas described aggregate 3,695.16 acres.

J. G. FRIEDLY,
Acting Regional Administrator.

[F. R. Doc. 54–2528; Filed, Apr. 6, 1954; 8:45 a. m.]

SIERRA ANCHA EXPERIMENTAL FOREST

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

MARCH 30, 1954.

An application, serial number AR–05563 (Amended), for the withdrawal from all forms of appropriation under the public land laws, including the mining and mineral leasing laws of the lands described below was filed on November 9, 1953, by the United States Department of Agriculture. The purposes of the proposed withdrawal: Sierra Ancha Experimental Forest within the Tonto National Forest.

For a period of thirty days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Regional Administrator, Region 5, Bureau of Land Management, Department of the Interior at Post Office Box 1695, Albuquerque, New Mexico. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

T. 5 N., R. 13 E.,
Sec. 1, S½N½N½, S½N½, S½;
Sec. 2, E½SE¼;
Sec. 11, NE¼, E½NW¼, S½;
Secs. 12 and 13;
Sec. 14, N½, N½SW¼, SE¼;
Sec. 23, NE¼;
Sec. 24;
Sec. 25, E½, E½NW¼;
Sec. 36, E½NE¼.
T. 5 N., R. 14 E.,
Sec. 3, lots 3, 4, S½NW¼, SW¼;
Secs. 4, 5, 6, 7, 8, 17, 18, 19 and 20;
Sec. 29, W½;
Sec. 30;
Sec. 31, lots 1, 2, NE¼, E½NW¼, NE¼SW¼, N½SE¼.
T. 6 N., R. 14 E.,
Sec. 31, lot 4, SE¼SW¼, S½SE¼;
Sec. 32, E½NE¼, S½SW¼, SE¼;
Sec. 33;
Sec. 34, W½NW¼, SW¼.

The areas described aggregate 13,150.47 acres.

E. R. SMITH,
Regional Administrator.

[F. R. Doc. 54–2529; Filed, Apr. 6, 1954; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5779]

AERO FINANCE CORP.; ENFORCEMENT PROCEEDING

NOTICE OF POSTPONEMENT OF HEARING

In the matter of Aero Finance Corporation enforcement proceeding.

Notice is hereby given that a public hearing in the above-entitled proceeding, originally scheduled for March 16, 1954, and subsequently reassigned for April 13, 1954, is hereby postponed until April 21, 1954, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, Seventeenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Ferdinand D. Moran.

Dated at Washington, D. C., April 2, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-2574; Filed, Apr. 6, 1954; 8:55 a. m.]

[Docket No. 6396]

CAPITAL AIRLINES, INC., AND PIEDMONT AVIATION, INC.; CITIES OF HAMPTON AND WARWICK, VIRGINIA

NOTICE OF HEARING

In the matter of the application of the Peninsula Airport Commission under section 401 (h) of the Civil Aeronautics Act of 1938, as amended, for amendment of the certificates of public convenience and necessity held by Capital Airlines, Inc., for routes Nos. 14 and 51 and by Piedmont Aviation, Inc., for route No. 87 so as to designate Hampton and Warwick, Va., as co-intermediate points with Newport News, Va.

Notice is hereby given that a hearing in the above-entitled proceeding is assigned to be held on April 19, 1954, at 10:00 a. m., e. s. t., in the Foyer of the Commerce Auditorium, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Ferdinand D. Moran.

Dated at Washington, D. C., April 2, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-2575; Filed, Apr. 6, 1954; 8:55 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 8777]

MACKAY RADIO AND TELEGRAPH CO.

ORDER CONTINUING HEARING

In the matter of Mackay Radio and Telegraph Company, applications for radiotelegraph circuits between the United States and Portugal, Surinam and The Netherlands; Docket No. 8777.

The Commission having under consideration a telegram filed by RCA Communications, Inc., on March 30, 1954, requesting postponement of hearing in the above-entitled proceeding for a period not exceeding 30 days, in view of litigation in the United States Court of Appeals for the second circuit, which requires immediate attention of counsel and has created a conflict with the hearing herein on April 5, 1954; also having under consideration telegrams filed on March 30, 1954, by The Western Union Telegraph Company, Mackay Radio and Telegraph Company, and Commercial Cable Company agreeing to such continuance;

It appearing that a continuance of two days may be granted without unduly delaying the hearing or disrupting the Examiner's hearing schedule, but that a longer postponement would cause a conflict with hearings in which the Examiner is assigned to preside in other important cases;

It further appearing that the Commission, in its memorandum opinion and order herein of March 31, 1954, indicated need for a final decision in this matter as quickly as possible;

It is ordered, This 31st day of March, 1954, that the hearing heretofore scheduled herein for April 5, 1954, is continued until 10:00 a. m., April 7, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-2558; Filed, Apr. 6, 1954; 8:51 a. m.]

[Docket No. 8777]

MACKAY RADIO AND TELEGRAPH CO.

MEMORANDUM OPINION AND ORDER AMENDING ISSUE

In the matter of Mackay Radio and Telegraph Company, applications for radiotelegraph circuits between the United States, Portugal, Surinam, and The Netherlands; Docket No. 8777.

Preliminary statement. 1. On March 23, 1954, the Commercial Cable Company (Commercial), a respondent herein, filed a petition wherein it was requested that Commercial either be relieved from supplying certain cost data in response to the issues set forth in subparagraph (e) [1] of the first ordering paragraph of the Commission's order of March 1, 1954, herein (released March 3, 1954), setting further hearings in this matter to start on April 5, 1954, or that, in the alternative, the hearing herein be postponed for "at least thirty days in order that some formula may be devised, if possible, and data be prepared under such a formula." On March 24, 1954, The Western Union Telegraph Company (Western Union), a respondent herein, also filed a petition wherein it was requested that Western Union be granted relief from the requirement to respond to the issues set forth in the aforementioned subparagraph (e). On March 30, 1954, RCA Communications Inc. (RCAC), a respondent herein, filed a response to the aforementioned petitions of Commercial and Western Union wherein it opposed such petitions in so far as they contained requests for the relief from the requirements to respond to the issues set forth in subparagraph (e) but wherein no objection was made of a postponement not to exceed thirty days to provide time to devise an appropriate formula and to permit Commercial and Western Union to prepare the data required by the issues set forth in the aforementioned subparagraph (e).

The petitions. 2. In support of its petition Commercial alleges, among other things, that although both it and Western Union provide cable service to practically the entire world their cables, with minor exceptions, extend only to Canada, Eire, The Azores, The United Kingdom, France, Germany, and Holland; [2] that neither Commercial nor Western Union serve Portugal directly; that so far as Commercial is aware no reliable cost allocation studies have been made with respect to cable service and no acceptable formula has been devised on the basis of which such studies could be made. Commercial further alleges that it has discussed this matter with Western Union and that thus far neither company has been able to devise an acceptable formula for making the necessary studies; that any formula which might be devised would have to be tested and rewritten several times before any "fairly acceptable and uniform results could be reached;" that Commercial and the applicant herein, Mackay Radio and Telegraph Company Inc. (Mackay), operate a joint comptrollers department which is engaged in preparing the data in response to all of the issues set forth in the aforementioned Commission Order of March 1, 1954, on behalf of Mackay as well as all issues other than those set forth in subparagraph (e) on behalf of Commercial and is also engaged in several other matters. Commercial also points to the fact that neither it nor Western Union was named a party to the original proceeding although Western Union was an intervener in that proceeding and Commercial's operations were described by a witness for Mackay.

3. In support of its petition Western Union alleges among other things that the uniform system of accounts "is not capable of yielding the requisite data" to comply with the issues set forth in subparagraph (e); that Western Union handles its traffic between Portugal and The Netherlands "over many alternate paths and jointly with traffic to and from other foreign countries" as is set forth more fully in its petition so that it is "not practicable to ascertain the amount of such traffic handled over each alternate route." Western Union therefore argues that since its cable operations "involve almost entirely costs which are common and joint to all traffic, it is im-

[1] This subparagraph provides as follows: "(e) To obtain data with respect to the costs properly attributable to and the net operating revenues resulting from message telegraph service and each type of non-message communication service provided by each respondent carrier between the United States, on the one hand, and Portugal and The Netherlands, on the other hand, for each of the years 1947 through 1953, inclusive;"

[2] Western Union also has cables between the United States and certain islands in the West Indies.

possible for the company to show directly the costs assignable to or from a particular country."

4. In view of all of the foregoing, Western Union alleges that to obtain the cost data necessary to respond properly to the issues raised by subparagraph (e) it would have to make allocations based on special studies of traffic loads, use of personnel, use of facilities, etc.; that such cost allocations would be arbitrary and time consuming and in its opinion meaningless and inconclusive. In support of its allegation that the making of an allocation would be time consuming, Western Union advises that an analysis and segregation which it previously made in response to a Commission request required the services of a major number of its cable system accounting personnel almost one full month to complete; that this study did not involve any of the allocations and separations required in order to respond to the issues set forth in subparagraph (e) and that therefore it is conservatively estimated that in order to respond to such issues "even if performed in the most arbitrary fashion for the seven year period, would require the major number of * * * ocean cable department accounting personnel to devote a period of from six to nine months to the task."

The RCAC response. 5. In its response to the petitions of Commercial and Western Union, RCAC alleges among other things that economic issues are of primary importance in determining the public interest and that cost data are necessary for the resolution of such issues. RCAC contends that under the Commission's Order of March 1, 1954, the cable carriers as well as the radiotelegraph carriers who are named parties respondent in this proceeding are required to submit the cost data called for by the issues set forth in subparagraph (e); that Commercial's argument that it should not be required to submit cost data since it was not a respondent in the original proceeding is "unconvincing." RCAC argues instead that the designation of cable carriers as respondents in the Commission's Order of March 1, 1954, indicates the Commission's intention to obtain cost data from these carriers. RCAC also contends that economic injury to cable carriers as well as radio carriers from the operation of duplicate circuits cannot be ignored in reaching a decision on the Mackay applications and alleges that data from the cable carriers showing only their gross revenues would be insufficient. RCAC therefore contends that the Commission's Order properly requires cost data from all respondents including cable carriers.

6. In response to the contentions of Commercial and Western Union regarding the difficulty in devising an acceptable formula RCAC alleges that cost data have been submitted to the Commission on many occasions by radio carriers, telephone carriers, domestic telegraph carriers, as well as other common carriers; that these studies have been considered and relied upon by the Commission in numerous proceedings and that it is, therefore, apparent that valid cost studies can also be made for the "relatively less complicated cable operations." RCAC also alleges that it has been making the necessary cost studies to respond to the issues contained in subparagraph (e); and that certain complications involved in its studies do not exist in the case of other respondents, particularly the cable carriers, which provide only message service with Portugal and The Netherlands. RCAC therefore contends that Western Union, with the personnel at its disposal, should be able to complete its cost studies within a period of thirty days, the time within which according to RCAC, Commercial has indicated that it would be able to complete its studies, and that its estimate of six to nine months is unreasonable.

Discussion. 7. It is clear that our order of March 1, 1954, requires all parties respondent, including cable carriers which serve Portugal and The Netherlands, to submit the data required by the issues set forth in subparagraph (e). The question before us now, therefore, is whether we should modify the requirement in the light of the argument advanced by the petitioners, Commercial and Western Union.

8. As is set forth in the first appearing clause of our order of March 1, 1954, we determined to hold further hearings herein because we were of the opinion that the public interest would be served if the data of record were to be brought up to date so that we could have available current data to help us resolve the issues in this proceeding which involve "important decisions with respect to matters of both policy and fact, and since more than five years have elapsed from the time the record herein was closed." In this connection, we note, however, that none of the cable carriers submitted any cost data of the type now required by the issues in subparagraph (e), nor so far as we can determine was any request made that the cable carriers supply such data for the record. Such data was, however, supplied by RCAC which was then the only radiotelegraph carrier serving Portugal and The Netherlands directly.

9. Western Union originally intervened in the proceeding in order to oppose a grant of the Mackay applications. It would appear to us, therefore, that its interests in the proceeding are similar to those of RCAC and that it would not be inclined to exaggerate the difficulties involved in preparing the data at issue or to minimize the validity and reliability of any data which it might submit. We find, however, that Western Union's considered opinion, as set forth in its petition, is that the preparation of this data would require six to nine months of effort on the part of a major portion of its ocean cable accounting personnel, and even then the allocations would be performed "in the most arbitrary fashion." While we do not believe that a proper allocation of expenses is impossible in the case of the cable carriers, we are, nevertheless, aware that there may be numerous difficulties in the way of a proper study, all of which would require considerable time and effort.

10. It may be argued that since neither Mackay nor RCAC have raised any objections to preparing similar studies with respect to radiotelegraph operations in time for the hearing now scheduled for April 5, 1954, it should be possible for the cable carriers to prepare similar studies. We note, however, that in 1947, in connection with the preparation for another proceeding[1] a basic procedure was devised as a result of conferences between the Commission staff members and representatives of interested carriers, for assigning plant investment and operating revenue deductions to individual radio circuits. The procedures so devised were employed by RCAC in arriving at its last allocations which it submitted for the record in the proceeding. We are not aware, however, that similar plans or procedures have been devised for use by cable carriers.

11. We agree with RCAC that it is important that the Commission have available to it data with respect to the economic issues involved in order that it may arrive at a decision herein in the light of the Supreme Court's opinion. We must evaluate the relative importance of any data we require the parties to furnish in the light of its importance to a proper decision herein and in light of the time and effort required to furnish it. If we were of the opinion that the submission of cost data by the cable carriers was essential to a proper decision herein, we would, of course, deny the petitions of Commercial and Western Union in so far as they request that these companies be relieved of the requirement to respond to the issues set forth in subparagraph (e), and would instruct the staff to cooperate with the cable carriers to devise an appropriate basis for making the necessary studies. However, although we are of the opinion that cost allocation data for the cable carriers serving Portugal and The Netherlands are relevant hereto, we cannot conclude, for the reasons set forth below, that such data are indispensable to a proper decision herein.

12. We note first, that other issues herein require the submission of detailed and voluminous data with respect to the volume of message traffic and the types of non-message communication service, as well as the revenues resulting from each such service provided by each of the respondent cable carriers between the United States and Portugal and The Netherlands for each of the years from 1947 to 1953, inclusive. In addition, such other issues require the submission of similar data for each cable carrier respondent with respect to the total volume of message traffic and each type of non-message communication, as well as the revenues resulting therefrom on a world-wide basis for each of the years from 1947 to 1953. Finally, financial data are required for each of the respondent cable carriers, including an annual income statement and a year-end balance sheet for each of the years 1947 to 1953 inclusive. These data, together with data already in the record, will furnish the Commission with detailed information regarding the financial and

[1] Docket No. 7974 In the Matter of Radiotelegraph Service between the United States and foreign and overseas points and assignment of frequencies for such service.

economic situation with respect to Commercial and Western Union, for the period prior to the time that Mackay opened its circuits to Portugal and The Netherlands, and will show what has transpired since Mackay opened its circuits to these two points in 1951.

13. More than six years have elapsed since Mackay's applications were originally set for hearing in 1948. We are, therefore, of the opinion that we should reach an ultimate decision on these applications as quickly as possible. If we were to insist that the cable carriers, and particularly Western Union, furnish the data now required by the issues set forth in subparagraph (e), we are of the opinion that it would be improper for us to refuse to afford the cable carriers, which were named parties respondent[4] on the Commission's own Motion, a reasonable time to meet the problems they indicate would confront them in preparing this information. As has been set forth above, Western Union is of the opinion that even the most arbitrary system of allocation would require a major number of its Cable Department accounting personnel to devote a period of from six to nine months to the task. We are not convinced that the public interest would be served by any postponement approximating this length of time to furnish the information at issue herein, particularly in view of the fact that we are of the opinion that these data are not essential to a proper decision herein.

Conclusion. 14. In view of all of the considerations set forth above, and in view of the fact that both Commercial, which is a proponent of Mackay's applications and Western Union, which originally intervened in this proceeding to oppose Mackay's applications, are agreed as to the difficulties involved in preparing cost allocation studies for cable carriers, we conclude that our order should be amended to relieve the cable carriers from submitting information in response to the issues now set forth in subparagraph (e).

15. *Accordingly, it is ordered,* This 31st day of March, 1954, that subparagraph (e) of the Commission's order herein dated March 1, 1954 (released March 3, 1954), is amended to read as follows:

(e) To obtain data with respect to the costs properly attributable to and the net operating revenues resulting from message telegraph service and each type of non-message communication service provided by each respondent carrier furnishing radiotelegraph service between the United States, on the one hand, and Portugal and The Netherlands, on the other hand, for each of the years 1947 through 1953, inclusive;

It is further ordered, That except in so far as granted herein, each of the requests contained in the aforementioned petitions of Commercial and Western Union and in the response of RCAC are denied.

Released: April 1, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-2559; Filed, Apr. 6, 1954; 8:52 a. m.]

[Docket Nos. 8917, 10906, 10990]

STATION WBBM-TV ET AL.

MEMORANDUM OPINION AND ORDER DESIGNATING PROCEEDING AND APPLICATIONS FOR HEARING

In the matters of Order to Show Cause Why the License of Station WBBM-TV should not be modified to Specify Channel 2, Chicago, Illinois, in lieu of Channel 4, Docket No. 10906; Application of Zenith Radio Corporation, Chicago, Illinois, for construction permit for a new television broadcast station, Docket No. 8917, File No. BPCT-322; Application of Columbia Broadcasting System, Inc., Chicago, Illinois, for renewal of license, Docket No. 10990, File No. BRCT-5.

1. The Commission has before it for consideration and designation for hearing the above-entitled proceedings and applications. The facts pertinent to such consideration are as follows: On March 21, 1951, the Commission adopted its Third Notice of Further Proposed Rule Making in Dockets 8736 et al., in which it proposed, among other things, to amend its Table of Assignments for television stations and to change the assignments of 31 existing stations, including that of Balaban & Katz Corporation, licensee of television Station WBKB,[1] Channel 4, Chicago, Illinois. Accordingly, paragraph 9 of the Third Notice directed these stations to show cause why their authorizations should not be modified. Specifically, WBKB was directed to show cause why its license should not be modified to specify Channel 2 in lieu of Channel 4 in the event Channel 4 was deleted from Chicago. At that time, and since February 12, 1948, there was pending before the Commission the application of Zenith Radio Corporation (Zenith) for Channel 2 in Chicago.

2. On April 14, 1952, the Commission issued its Sixth Report and Order in Dockets 8736 et al., in which it deleted Channel 4 from Chicago. On February 9, 1953, the Commission adopted a final decision in Dockets 10031 et al., renewing the license of WBKB and approving its transfer to Columbia Broadcasting System, Inc. (CBS). On the same day, the Commission adopted an order which provided that the license of WBKB be modified to provide for operation on Channel 2 in Chicago and that Zenith's application be dismissed. An appeal from the latter order was filed by Zenith on April 21, 1953. Zenith Radio Corporation v. Federal Communications Commission, No. 11772. On May 20, 1953, the United States Court of Appeals for the District of Columbia Circuit stayed the Commission order appealed from pending disposition of the appeal, but without prejudice to the issuance by the Commission of a special temporary authorization for operation on Channel 2 under certain specified conditions. Such an authorization was issued to CBS on June 22, 1953.

3. On January 21, 1954, the Court handed down a decision reversing the Commission's action of February 9, 1953, modifying the CBS license and dismissing the Zenith application. On February 10, 1954, the Commission adopted an order vacating that action. On February 10, 1954, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the Commission wrote to Zenith and CBS advising that a comparative hearing was required which would involve a comparison between Zenith and CBS to determine which of the two should receive an authorization for regular operation on Channel 2 in Chicago; that no element of the present operation of CBS under its special temporary authorization, including any expenditures which might have been made in connection with such operation on Channel 2, would be considered by the Commission in the hearing; and that the CBS application for renewal of license for Channel 4, Chicago would be included in the hearing. The letter to Zenith also advised it of the deficiencies which existed in its application, while the letter to CBS also directed it to file a statement with respect to its proposed operation on Channel 2. Both parties were afforded 30 days in which to reply.

4. Zenith filed a reply to the Commission's letter on March 10, 1954 and filed an amendment to its application on March 15, 1954. In its reply, Zenith urged that it is entitled to a comparative hearing with Balaban & Katz Corporation under the decision in Zenith Radio Corporation v. Federal Communications Commission, *supra;* that the course which the Commission was proposing disregarded the Court's opinion in holding a comparative hearing "between Zenith and Columbia, based on Zenith's application of May 29, 1952, for a permit to construct a television station on Channel 2—Chicago and on Columbia's application filed on September 1, 1953 for renewal of license to operate on Channel 4—Chicago"; and that the Commission should withdraw its letters of February 10, 1954 and proceed on the basis that no hearing may be held between Zenith and any other party than Balaban & Katz Corporation.[2]

5. CBS filed its reply and statement of proposed operation on March 12, 1954. In its reply, CBS expressed its opposition to the statement made by the Commission in its letter of February 10, 1954, that no element of the operation by CBS on Channel 2 under its special temporary authorization would be considered by the Commission at the proposed hearing. It was urged that only with respect to expenditures incurred by CBS in its operation on Channel 2 should no consideration be given at the proposed hearing. Finally, on March 18, 1954, CBS filed a letter opposing Zenith's claim to a hearing with Balaban & Katz Corporation and urging that the hearing be limited to Zenith and CBS.

6. The Commission has given careful consideration to Zenith's reply of March 10, 1954. We cannot agree with Zenith's

[1] The call letters have since been changed to WBBM-TV.

[2] Zenith requested the Commission to reply to its letter by March 19, 1954. On said date, the Commission advised Zenith by letter that this matter was one of several aspects of the case which would normally be disposed at the same time, and that there appeared to be no reason to deviate from the normal process and act on one special phase of the proceedings by March 19, 1954.

analysis of the Court's opinion. In its decision the Court, having concluded that Zenith was entitled to a hearing on its Channel 2 application, went on to discuss the nature of that hearing. The Court held that at the time of the entry of the order under review, or at some unspecified earlier period, Zenith had been entitled to a comparative hearing with Balaban & Katz Corporation. However, the Court further stated that the renewal of Balaban & Katz's license and the assignment of that license to CBS had not been appealed from, and had become final. The fact of the transfer could not, the Court said, be ignored in any hearing which might be held between Zenith and Balaban & Katz Corporation. The Court further stated, in pertinent part:

> * * * Whatever is left to Station WBKB after the hearing concerning the license, whether that station is authorized to operate on Channel 2 or is left without any authorization at all, belongs to the Columbia Broadcasting System. The comparative hearing, therefore, between Zenith and Balaban & Katz must actually be a comparison between operation by Zenith and operation by the Columbia Broadcasting System.

Upon a careful review of the Court's decision and of Zenith's analysis of that decision as set forth in its letter, we believe that the totality of the Court's opinion clearly contemplates a comparative hearing between Zenith and CBS, which, as the Court recognized, had succeeded Balaban & Katz as licensee of Station WBKB (now WBBM-TV). Moreover, in view of the finality of the Commission's actions renewing Balaban & Katz's license on Channel 4 and transferring it to CBS, we do not understand that the past or present merits or demerits of Balaban & Katz as a licensee could properly be in issue. The Commission recognizes that some of the language in the Court's decision could possibly be construed in terms of a hearing in which Balaban & Katz might at least be named as the nominal applicant competing with Zenith on behalf of its transferee CBS. It is believed that in any such hearing, Balaban & Katz could play no actual role and, as set forth above, its qualifications would not be in issue. Under these circumstances, we believe it entirely consistent with the totality of the Court's decision as well as conducive to the orderly and expeditious hearing of the proceeding to name as parties the real rather than nominal persons involved.

7. With respect to Zenith's contention that the Commission has, in effect, proposed to hold a comparative hearing based on its application and the CBS renewal application for Channel 4, it should be pointed out that the letter to Zenith and that transmitted to CBS (a copy of which was sent to Zenith) stated that the proposed hearing "will involve a comparison between Zenith Radio Corporation and Columbia Broadcasting System, Inc., to determine which of the two should receive an authorization in the light of the public interest, convenience and necessity for regular operation on Channel 2, Chicago, Illinois." The letter to CBS also directed it to file a statement of its proposed operation on Channel 2, and stated that "In the event that no questions with respect to your qualifications are raised by the filing of your statement of proposed operation on Channel 2 and by your reply to this letter, a hearing will be scheduled, as indicated above, on the issues then obtaining." Thus, the Commission made it abundantly clear that the comparative hearing which it proposed to hold would be on the question whether the outstanding show cause order, originally directed to WBKB (now WBBM-TV) should be finalized or whether Zenith's application for a new station on Channel 2 should be granted. The hearing will be based on Zenith's application and the statement of proposed operation filed by CBS. However, the CBS renewal application for Channel 4 in Chicago must also be included in the hearing since the application for renewal of license of WBBM-TV remains undetermined and is actually mutually exclusive with Zenith's application. If Zenith is the successful applicant, the CBS authorization cannot be renewed. If, however, CBS is the successful applicant, its license will be renewed and modified in accordance with the show cause order.

8. As indicated above, in its reply of March 12, 1954, CBS expressed its opposition to the Commission's intention not to consider in the proposed hearing any element of the CBS operation on Channel 2. In its letters of February 10, 1954, to CBS and Zenith, the Commission stated as follows:

> It should be understood that no element of the present operation of Station WBBM-TV under its special temporary authority, including any expenditures which may have been made in connection with such operation on Channel 2, will be considered by the Commission in the forthcoming hearing. We believe this to be a necessary consequence of the Court's order of May 20, 1953, the special temporary authorization issued to Columbia on June 22, 1953, and the Court's Memorandum of July 3, 1953, denying a motion for a temporary restraining order against the Commission's order of June 22, 1953. In that Memorandum, the Court stated that it had been its intention in the May 20, 1953, order that the situation "remains pendente lite unaffected by the grant of the special temporary authorization, not only in form but in actual substance," and that if a comparative hearing should eventually be held, "it will be essential to the validity of subsequent proceedings that Zenith's rights not be affected by the events, orders, etc., occurring during the pendency of the appeal."

We believe that that statement accurately reflects the Court's directive with respect to consideration at the proposed hearing of CBS operations on Channel 2. Consideration of CBS's operation on on Channel 2 under its temporary authorization would mean that Zenith's rights would be substantially affected by events occurring during the course of the appeal. Since, under the Court's decision, Zenith was entitled to a hearing before the temporary operation on that channel had commenced, consideration of the subsequent operation on Channel 2 would be inconsistent with a fair hearing and could hardly be said to be in accordance with the Court's earlier memorandum.

9. Upon due consideration of the proceedings heretofore held herein and in Dockets 8736 et al., the above entitled applications and amendments filed thereto, the replies to the Commission's letters of February 10, 1954, and the decision of the United States Court of Appeals for the District of Columbia Circuit in Zenith Radio Corporation v. Federal Communications Commission (No. 11772), the Commission finds that simultaneous operation on Channel 2, Chicago, Illinois, by Zenith and CBS would result in mutually destructive interference; that under the terms of that decision and sections 303 (f), 309 (b), and 316 (a) of the Communications Act of 1934, as amended, a hearing is mandatory; that Zenith Radio Corporation and Columbia Broadcasting System, Inc. are legally, technically and financially qualified to construct, own and operate their proposed television broadcast stations on Channel 2, Chicago, Illinois; and that, pending a determination of the issues set forth below with respect to the proposed operations by Zenith and CBS on Channel 2, the Commission is unable to find that a grant of the renewal of the license of Station WBBM-TV, Channel 4, Chicago, Illinois, would serve the public interest, convenience and necessity. Accordingly, pursuant to the above-mentioned provisions of the Communications Act of 1934, as amended, the above-entitled proceeding and applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 30th day of April, 1954, in Washington, D. C., upon the following issue: To determine on a comparative basis which of the operations proposed herein by Zenith Radio Corporation and Columbia Broadcasting System, Inc. would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between their proposals as to:

(1) The background and experience of each of the above-named parties having a bearing on its ability to own and operate the proposed television station.

(2) The proposals of each of the above-named parties with respect to the management and operation of the proposed station.

(3) The programming service proposed by each of the above parties.

10. *It is further ordered*, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the parties herein will give reasonable assurance that their proposals will be effectuated.

Adopted: April 1, 1954.

Released: April 2, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-2560; Filed, Apr. 6, 1954; 8:52 a. m.]

[Docket No. 10945]

CARTHAGE BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of Lloyd C. McKenney & John J. Daly d/b as Carthage Broadcasting Company, Fort Scott, Kansas, for construction permit; Docket No. 10945, File No. BP-8948.

The Commission having before it a petition filed March 31, 1954, by the applicant named above that the hearing herein now set for April 6, 1954, be continued and rescheduled for some date subsequent to April 9, 1954; and

It having been agreed by all parties in this proceeding at a prehearing conference held April 1, 1954, that the hearing might be rescheduled for April 15, 1954;

It is ordered, This 1st day of April 1954, that the Petition for Continuance is granted and the hearing herein now scheduled for April 6, 1954, is rescheduled for 10:00 a. m., Thursday, April 15, 1954, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-2561; Filed, Apr. 6, 1954; 8:52 a. m.]

[Docket No. 10945]

CARTHAGE BROADCASTING CO.

NOTICE OF FURTHER PREHEARING CONFERENCE

In re application of Lloyd C. McKenney & John J. Daly d/b as Carthage Broadcasting Company, Fort Scott, Kansas, for construction permit; Docket No. 10945, File No. BP-8948.

It was agreed at the prehearing conference held today pursuant to the notice of March 23, 1954, that a further prehearing conference might be held herein on April 13, 1954, to complete the consideration of the matters specified in the original notice.

Accordingly, all parties are hereby notified that such further prehearing conference will be held beginning at 10:00 a. m., Tuesday, April 13, 1954, at Washington, D. C.

Dated at Washington, D. C., this 1st day of April, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WILLIAM G. BUTTS,
Hearing Examiner.

[F. R. Doc. 54-2562; Filed, Apr. 6, 1954; 8:52 a. m.]

[Docket Nos. 10965, 10966]

SEATON PUBLISHING CO. AND STRAND AMUSEMENT CO.

NOTICE OF PRE-HEARING CONFERENCE

In re applications of The Seaton Publishing Company, Hastings, Nebraska, Docket No. 10965, File No. BPCT-1265; Strand Amusement Company, Hastings, Nebraska, Docket No. 10966, File No. BPCT-1272; for construction permits for new television stations.

In accordance with § 1.813 of the Commission's rules, a pre-hearing conference of all counsel in the above-entitled matter will be held in the offices of the Commission, Washington, D. C., beginning at 10:00 a. m., e. s. t., Monday, April 12, 1954.

Dated April 1, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] CHARLES J. FREDERICK,
Hearing Examiner.

[F. R. Doc. 54-2563; Filed, Apr. 6, 1954; 8:52 a. m.]

[Docket Nos. 10974-10976]

ECTOR COUNTY BROADCASTING CO. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Ben Nedow tr/as Ector County Broadcasting Company, Odessa, Texas, Docket No. 10974, File No. BPCT-799; C. L. Trigg, President, Odessa Television Company (a Joint Venture), Odessa, Texas, Docket No. 10975, File No. BPCT-1258; Clarence E. Wilson and Philip D. Jackson, d/b as the Odessa Television Company, Odessa, Texas, Docket No. 10976, File No. BPCT-1761; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 31st day of March 1954;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 7 in Odessa, Texas; and

It appearing that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing that upon due consideration of the above-named applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; that C. L. Trigg, President, Odessa Television Company (a Joint Venture), and Clarence E. Wilson and Philip D. Jackson, d/b as The Odessa Television Company are legally, technically and financially qualified to construct, own and operate the proposed television broadcast stations; and that Ector County Broadcasting Company is legally and financially qualified to construct, own and operate the proposed television broadcast station and is technically so qualified except as to issue "1" above; and

It further appearing that the application of Ector County Broadcasting Company proposes an antenna location in the vicinity of the antenna of standard broadcast station KECK; that the installation and operation of the television antenna as proposed is possible and feasible without adversely affecting the ability of Station KECK to operate in accordance with the terms of its license; that appropriate proof thereof should be submitted after installation and operation of the proposed antenna; and that a grant, if made, of the application should be subject to the following condition:

Before construction of the television antenna proposed by Ector County Broadcasting Company is commenced, request shall be made to the Commission to determine the power of KECK by the indirect method. During the installation of the television antenna, the directional antenna of KECK shall be maintained as closely as possible to the values appearing on its license. Upon completion of the television installation, the KECK field intensity shall be measured at a minimum of three points on each radial and submitted to the Commission together with a tabulation of meter readings. The common point impedance of the KECK antenna system shall be remeasured and the results submitted to the Commission together with Forms 302 if any changes are noted.

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 30th day of April, 1954, in Washington, D. C., upon the following issues:

1. To determine whether the installation and operation of the station proposed by Ben Nedow tr/as Ector County Broadcasting Company in the above-entitled application would constitute a hazard to air navigation.

2. To determine on a comparative basis which of the operations proposed in the above-entitled applications would best serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences among the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals

set forth in the application will be effectuated.

Released: April 1, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-2564; Filed, Apr. 6, 1954; 8:52 a. m.]

[Docket Nos. 10980, 10981]

KFJI BROADCASTERS AND KLAMATH FALLS TELEVISION, INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of KFJI Broadcasters, Klamath Falls, Oregon, Docket No. 10980, File No. BPCT-1299; Klamath Falls Television, Inc., Klamath Falls, Oregon, Docket No. 10981, File No. BPCT-1620; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 31st day of March 1954.

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 2 in Klamath Falls, Oregon; and

It appearing that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; and that each of the above-named applicants is legally, financially and technically qualified to construct, own and operate a television broadcast station;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m., on the 30th day of April, 1954 in Washington, D. C., upon the following issues:

1. To determine on a comparative basis which of the operations proposed in the above-entitled applications would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: April 2, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-2565; Filed, Apr. 6, 1954; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-996, G-1429, G-1526, G-1816, G-1817, G-1818, G-1916, G-1917, G-1918, G-1919, G-1920, G-1923, G-1924, G-1926, G-1927, G-2111, G-2121]

NORTHWEST NATURAL GAS CO. ET AL.

ORDER OMITTING INTERMEDIATE DECISION PROCEDURE AND FIXING DATES FOR FILING BRIEFS AND ORAL ARGUMENT

In the matters of Northwest Natural Gas Company, Docket Nos. G-996, G-1916, G-1917; Pacific Northwest Pipeline Corporation, Docket No. G-1429; Westcoast Transmission Company, Inc., Docket Nos. G-1526, G-1919, G-1920; Glacier Gas Company, Docket Nos. G-1816, G-1817, G-1818; Northern Natural Gas Company, Docket Nos. G-1918, G-1926, G-1927; Trans-Northwest Gas, Inc., Docket Nos. G-1923, G-1924, G-2111; Colorado Interstate Gas Company, Docket No. G-2121.

On December 2, 1953, Pacific Northwest Pipeline Corporation filed a motion to omit the intermediate decision procedure in this proceeding. On March 11, 1954, Westcoast Transmission Company, Inc., moved orally on the record that, pursuant to § 1.30 (c) of the Commission's rules of practice and procedure, the intermediate decision procedure be omitted. These motions were opposed by the intervening coal and labor interests. Both motions also requested that briefs be filed and oral argument be presented within specified times after completion of hearings. Staff counsel opposed the motions with respect to the times requested for filing briefs.

Nearly 200 days of hearings in this consolidated proceeding have been held, beginning June 16, 1952. Over 28,000 pages of testimony and over 600 exhibits, many of them voluminous, have been presented. The illness of the Examiner who presided initially over this proceeding has required that a second Examiner preside over the latter part of the hearings and renders infeasible the intermediate decision procedure.

Although the hearings have been unavoidably lengthy due to the various contentions of the applicants, the record amply demonstrates that prompt disposition of these matters is urgently required. Any delay in the disposition of the applications presented in this proceeding will affect not only the applicants but also the potential consumers in the area proposed to be served. Therefore, the public interest clearly requires omission of the intermediate decision procedure and that the times for briefs and oral argument be set as hereinafter ordered.

The Commission finds:

(1) The record in this proceeding demonstrates that due and timely execution of the Commission's functions imperatively and unavoidably requires that the intermediate decision procedure be omitted as hereinafter ordered and provided and that the Commission render the decision in this proceeding.

(2) It is appropriate and in the public interest to hear oral argument concerning the matters involved and the issues presented in this proceeding as hereinafter ordered and provided.

The Commission orders:

(A) The intermediate decision procedure be and is hereby omitted herein in accordance with the provisions of § 1.30 (18 CFR 1.30) of the Commission's rules of practice and procedure.

(B) Main briefs may be filed by the applicants herein on or before April 26, 1954; briefs by staff counsel and all other parties may be filed on or before May 11, 1954; and reply briefs by the applicants who have filed main briefs may be filed on or before May 26, 1954.

(C) Oral argument shall be had before the Commission on June 1, 1954, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented in this proceeding.

(D) Those parties to this proceeding who intend to participate in the oral argument shall notify the Secretary of the Commission on or before May 20, 1954, of such intention and of the time required for presentation of their argument.

Adopted: March 31, 1954.

Issued: April 1, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-2530; Filed, Apr. 6, 1954; 8:46 a. m.]

[Docket Nos. G-1142, G-1508, G-2019, G-2074, G-2210, G-2220, G-2378]

UNITED GAS PIPE LINE CO.

ORDER SUPPLEMENTING ORDER ISSUED MARCH 26, 1954, AFFIRMING CERTAIN RULINGS OF PRESIDING EXAMINER AND FIXING DATE FOR RECONVENING HEARING

By order issued March 26, 1954, the Commission affirmed two rulings of the

Presiding Examiner upon the record and fixed May 3, 1954, as the date for reconvening the hearing in these proceedings, all as more fully described in the aforesaid order.

Upon full consideration of the arguments and contentions of the parties set forth in the transcript of the testimony certified by the Examiner, we find that it is appropriate and desirable in the public interest and to carry out the provisions of the Natural Gas Act that (1) the data and information hereinafter specified shall be submitted by United as a part of its direct case, and (2) to provide for the conclusion of the hearing in these proceedings at the earliest practicable time the outline of procedure hereinafter set forth shall be followed.

The Commission orders:

(A) At the hearing to be reconvened on May 3, 1954, United Gas Pipe Line Company (United) shall present its full case on direct as to all dockets and without qualification.

(B) If as a part of its direct case United presents evidence with respect to its 1953 operations or 1953 operations adjusted to reflect known changes through July 31, 1954, as contended for on the record, under either circumstance or as to both if evidence on each is submitted, United shall show (1) actual 1953 revenues, expenses, rate base and other relevant costs by each of its operating districts with full explanation for each adjustment and justification therefor; (2) full and complete flow charts showing source of gas and disposition thereof based on actual 1953 sales or as adjusted; and (3) full and complete monthly billing data including monthly peak and billing demands by customers as well as volumes delivered to each customer on the coincidental peak day for the year 1953, or as adjusted, for direct sales and sales for resale.

(C) Upon the conclusion of United's direct case in support of all dockets, other parties, including staff counsel, shall conduct as much of their cross-examination as they are then prepared to undertake. Following such preliminary cross-examination, the hearing shall be further recessed to a date to be fixed by the Presiding Examiner.

(D) At the reconvened proceedings all parties shall conclude their cross-examination of United's witnesses. Immediately following such cross-examination all other parties shall then present testimony and evidence they may have to offer. Thereafter, the hearing may be recessed for two weeks to permit the parties to prepare for cross-examination, and, upon resumption, concluded without further recess.

Adopted: March 31, 1954.

Issued: April 1, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-2534; Filed, Apr. 6, 1954; 8:47 a. m.]

[Docket No. G-2352, No. G-2353]

TENNESSEE GAS TRANSMISSION CO. AND NORTHEASTERN GAS TRANSMISSION CO.

ORDER CONSOLIDATING PROCEEDINGS DENYING REQUESTS FOR SHORTENED PROCEDURE, AND FIXING DATE OF HEARING

Tennessee Gas Transmission Company (Tennessee) has requested that application for a certificate of public convenience and necessity to acquire and operate all the facilities of its wholly owned subsidiary, Northeastern Gas Transmission Company (Northeastern), be heard under the shortened procedure provided in § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. The application was filed on January 14, 1954, pursuant to section 7 of the Natural Gas Act. Concurrently, Northeastern filed an application pursuant to section 7 (b) of the Natural Gas Act requesting permission and approval to abandon all of its facilities for which Tennessee seeks authority to acquire. Northeastern also requested that its application be heard under the shortened procedure provided in § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

Subsequent to the giving of due notice of the filing of the applications, including publication in the FEDERAL REGISTER on February 5, 1954 (19 F. R. 717), numerous protests and petitions to intervene have been filed by customers both of Tennessee and Northeastern. These proceedings are, therefore, not proper ones for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

The Commission finds:

(1) Common questions of law and fact are involved in Docket Nos. G-2352 and G-2353.

(2) Good cause exists for fixing a date of hearing less than 15 days after publication of this order in the FEDERAL REGISTER.

The Commission orders:

(A) The proceedings involved in Docket Nos. G-2352 and G-2353 are consolidated for purposes of hearing and decision.

(B) The requests that these proceedings be disposed of under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure are hereby denied.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on April 12, 1954, at 10:00 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented in the proceedings consolidated in paragraph (A) hereof.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: March 31, 1954.

Issued: April 1, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-2531; Filed, Apr. 6, 1954; 8:46 a. m.]

[Docket No. G-2359]

DOME GAS CO., INC.

ORDER FIXING DATE OF HEARING

This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application, filed January 25, 1954, pursuant to section 7 (a) of the Natural Gas Act, for an order directing Texas Gas Transmission Corporation (Texas Gas), a Delaware corporation with its principal office at Owensboro, Kentucky, to sell and deliver natural-gas to Applicant at an existing point of connection as described in said application, be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on February 4, 1954 (19 F. R. 665).

Texas Gas on February 23, 1954, filed an answer to the application referred to above, acknowledging an ability and willingness to make the sale and delivery of natural gas as requested.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on April 26, 1954, at 9:45 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: March 31, 1954.

Issued: April 1, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-2532; Filed, Apr. 6, 1954; 8:46 a. m.]

[Docket No. G-2364]

LONE STAR GAS CO.

ORDER FIXING DATE OF HEARING

This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application, filed February 9, 1954, pursuant to section 7 of the Natural Gas Act, for (1) a certificate of public convenience and necessity authorizing the construction and operation of certain facilities, and (2) permission and approval to abandon other facilities, all as described in said application, be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application including publication in the FEDERAL REGISTER on February 20, 1954 (19 F. R. 1024).

Temporary authorization to construct and operate the facilities requested above was granted by the Commission on February 12, 1954.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on May 12, 1954, at 9:30 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: March 31, 1954.

Issued: April 1, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-2533; Filed, Apr. 6, 1954; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3212]

UNITED GAS CORP. AND UNION PRODUCING CO.

ORDER GRANTING ISSUANCE OF PROMISSORY NOTES OF SUBSIDIARY TO PARENT

MARCH 31, 1954.

United Gas Corporation ("United"), and its non-utility subsidiary, Union Producing Company ("Union"), all the securities of which are owned by United, both of which companies are subsidiaries of Electric Bond and Share Company, a registered holding company, have filed with this Commission a joint application-declaration pursuant to sections 6 (b), 9, 10 and 12 of the Public Utility Holding Company Act of 1935 ("act"), and Rule U-43 (a) promulgated thereunder, with respect to the following proposed transactions:

United proposes to lend to Union and the latter proposes to borrow from United, not to exceed an aggregate amount of $5,000,000 during a period following the date of the entry of the Commission's order herein to the end of 1954 in such installments and at such times as funds may be required and requested from United. The proceeds from the loan will be used by Union to increase its working capital.

The proposed loan will be evidenced by unsecured promissory notes issued by Union to United or order, from time to time, payable on or before six years from the date of issue of such notes, bearing interest at the rate of 5 percent per annum payable semi-annually on July 1 and January 1 of each year.

Union has presently issued and outstanding $17,000,000 principal amount of its promissory notes consisting of $7,000,000 principal amount of 3 percent Notes, $4,000,000 principal amount of 4 percent Notes, and $6,000,000 principal amount of 5 percent Notes, all such notes being payable on or before six (6) years from dates of issue. All of said notes are owned by United, and $14,000,000 principal amount of such notes are pledged with the Guaranty Trust Company of New York, the Corporate Trustee, under United's Mortgage and Deed of Trust, dated as of October 1, 1944, in favor of Guaranty Trust Company of New York and Henry A. Theis (Herbert E. Twyeffort, Successor Trustee), Trustees as supplemented. The additional promissory notes of Union to be acquired from time to time by United in connection with the transactions proposed herein, will, upon acquisition by United, be pledged with the Corporate Trustee under its Mortgage and Deed of Trust.

The application-declaration states that as a result of its accelerated leasing, developing and drilling program for the year 1954, it is presently estimated that Union will expend approximately $17,100,000 in connection with such program and increase its supply of casing and tubing by approximately $800,000; that it is estimated that the funds required for such program will be met to the extent of an aggregate of approximately $13,000,000 from retained earnings and from credits to depreciation, depletion and other reserves, and will be met to the extent of the remaining $5,000,000 by borrowings from United; and that the managements of the Companies feel it appropriate at this time to obtain authority for a loan in the aggregate not to exceed $5,000,000 to augment Union's working capital and enable it to carry out its leasing, development and drilling program as outlined above.

It is further stated that no legal fees will be incurred and that other expenses in connection with the foregoing transactions will be nominal.

It is requested that the Commission's order be made effective upon issuance.

Due notice having been given of the filing of the application-declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied, and that the application-declaration should be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said application-declaration be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-2449; Filed, Apr. 5, 1954; 8:47 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 5, Amdt. 1]

CALIFORNIA

DECLARATION OF DISASTER AREA

Declaration of Disaster Area 5 for the State of California dated November 20, 1953, is hereby amended as follows:

Paragraph 1 of said Declaration of Disaster Area 5, is amended by the addition thereto of the following county: San Bernardino.

Dated: April 1, 1954.

WENDELL B. BARNES, *Administrator.*

[F. R. Doc. 54-2541; Filed, Apr. 6, 1954; 8:48 a. m.]

[Declaration of Disaster Area 14, Amdt. 1]

GEORGIA

DECLARATION OF DISASTER AREA

Declaration of Disaster Area 14 for the State of Georgia dated March 17, 1954, is hereby amended as follows:

Paragraph 1 of said Declaration of Disaster Area 14, is amended by the addition thereto of the following county: Houston.

Dated: April 1, 1954.

WENDELL B. BARNES, *Administrator.*

[F. R. Doc. 54-2540; Filed, Apr. 6, 1954; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29081]

SODA ASH AND CAUSTIC SODA FROM BATON ROUGE AND NORTH BATON ROUGE, LA., TO GULFPORT, MISS.

APPLICATION FOR RELIEF

APRIL 2, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-

haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Fernwood, Columbia & Gulf Railroad Company and the Illinois Central Railroad Company.

Commodities involved: Soda ash, carloads, and caustic soda, in solution, in tank-car loads.

From: Baton Rouge and North Baton Rouge, La.

To: Gulfport, Miss.

Grounds for relief: Competition with rail carriers, circuitous routes, and market competition.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2535; Filed, Apr. 6, 1954; 8:47 a. m.]

[4th Sec. Application 29082]

COKE FROM DETROIT AND WYANDOTTE, MICH., TO CEICO, OHIO

APPLICATION FOR RELIEF

APRIL 2, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York Central Railroad Company.

Commodities involved: Coke, coke breeze, coke dust and coke screenings, carloads.

From: Detroit and Wyandotte, Mich.

To: Ceico, Ohio.

Grounds for relief: Competition with water, or water-rail carriers.

Schedules filed containing proposed rates: New York Central Railroad Company, I. C. C. No. 1108, supp. 56.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2536; Filed, Apr. 6, 1954; 8:47 a. m.]

[4th Sec. Application 29083]

CAUSTIC SODA FROM WHITEHALL-MONTAGUE, MICH., TO POINTS IN KANSAS AND MISSOURI

APPLICATION FOR RELIEF

APRIL 2, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Alternate Agent, for carriers parties to schedule listed below.

Commodities involved: Soda, caustic, in solution, in tank-cars, carloads.

From: Whitehall-Montague, Mich.

To: Atchison and Leavenworth, Kans., Kansas City, Mo.-Kans., and St. Joseph, Mo.

Grounds for relief: Competition with rail carriers and market competition.

Schedules filed containing proposed rates: H. R. Hinsch, Alternate Agent, I. C. C. No. 4238, supp. 97.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2537; Filed, Apr. 6, 1954; 8:47 a. m.]

[4th Sec. Application 29084]

FERTILIZER SOLUTIONS FROM SOUTH POINT, OHIO TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

APRIL 2, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Nitrogen fertilizer solution, and fertilizer ammoniating solution, in tank-car loads.

From: South Point, Ohio.

To: Points in Kentucky, North Carolina, Tennessee, and Virginia and points grouped therewith.

Grounds for relief: Rail competition, circuity, competition with motor, motor-water carriers, to maintain grouping, and to apply rates constructed on the basis of the short-line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1221, supp. 53.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2538; Filed, Apr. 6, 1954; 8:47 a. m.]

[4th Sec. Application 29085]

WHEAT BRAN AND WHEAT SHORTS FROM PORT EVERGLADES, FLA., TO LAKELAND, ORLANDO, AND TAMPA, FLA.

APPLICATION FOR RELIEF

APRIL 2, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for Atlantic Coast Line Railroad Company, Florida East Coast Railway Company and Seaboard Air Line Railroad Company.

Commodities involved: Wheat bran and wheat shorts, carloads.

From: Port Everglades, Fla. (Import traffic).

To: Lakeland, Orlando, and Tampa, Fla.

Grounds for relief: Competition with rail carriers, circuity, and port competition.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1369, supp. 41.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commis-

sion in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2539; Filed, Apr. 6, 1954; 8:48 a. m.]

[Notice No. 1]

MAISLIN TRANSPORT, INC., ET AL.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

APRIL 2, 1954.

Protests to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice (49 CFR 1.240). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in the form of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, prehearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice.

APPLICATIONS FOR OPERATING AUTHORITY

No. MC 79007 Sub 1, Maislin Transport, Inc., 43 Clarkson Street, New York, N. Y. Applicant's attorney: William Biederman, 280 Broadway, New York 7, N. Y. For authority to operate as a common carrier over a regular route, transporting: General commodities, except those of unusual value, and except Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between the junction of New Jersey Highway 17 and U. S. Highway 46, and Binghamton, N. Y., from the junction of New Jersey Highway 17 and U. S. Highway 46, over U. S. Highway 46 to the junction of U. S. Highway 611 at the New Jersey-Pennsylvania State line, thence over U. S. Highway 611 to junction U. S. Highway 11, and thence over U. S. Highway 11 to Binghamton, N. Y., and return over the same route, serving no intermediate points, as an alternative route, in connection with the carrier's regular route operations between New York, N. Y., and Binghamton, N. Y., over U. S. Highway 1, New Jersey Highways 3 and 17, and New York Highway 17, which is a portion of the regular route operations between (1) New York, N. Y., and Watertown, N. Y., (2) New York, N. Y., and Utica, N. Y., and (3) New York, N. Y., and Buffalo, N. Y. Applicant is authorized to conduct operations in New York and New Jersey.

No. MC 114639, Howard R. Bartoo, Box 636, Anthony, Tex. For authority to operate as a common carrier, over irregular routes, transporting: Fertilizer, sand, gravel, cottonseed, cottonmeal, hay and vegetables, between points in El Paso County, Tex., on the one hand, and, on the other, points in Dona Ana County, N. Mex.

No. MC 114640, William Belzer, 3214 Everett Avenue, Everett, Wash. Applicant's attorney: Ray H. Culbertson, 15342 Lake Shore Boulevard, Seattle 55, Wash. For authority to operate as a common carrier, over irregular routes, transporting: Ground peat, from the United States-Canada International Boundary line near Blaine, Wash., to points in Whatcom, Skagit, Snohomish, King, Kitsap, Pierce, Thurston, Lewis, Cowlitz, Clark, Chelan, Kittitas, and Yakima Counties, Wash., and no transportation for compensation on return.

APPLICATIONS UNDER SECTIONS 5 AND 210A (B)

Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operation of motor carrier properties sought to be acquired in an application under section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice. If a protest is received prior to action being taken, it will be considered.

No. MC-F-5483. Authority sought for purchase by Refrigerated Transport Co., Inc., 290 University Ave., SW., Atlanta, Ga., of a portion of the operating rights of Frozen Food Express, Inc., 318 Cadiz St., Dallas, Tex., and for acquisition by J. L. Lawhon, R. R. Lawhon, and Winton Teagle, Atlanta, Ga., of control of the operating rights through the purchase. Applicants' attorney: Allan Watkins, 214 Grant Building, Atlanta, Ga. Operating rights sought to be transferred: Frozen foods and fresh meats, as a common carrier, over irregular routes, between Memphis, Tenn., on the one hand, and, on the other, points in Iowa, Kansas, and Nebraska, restricted to the transportation of frozen foods from Topeka and Wichita, Kans., to Memphis, Tenn.; Frozen foods, and meats, meat products, and meat byproducts as defined by the Commission (except canned or packaged meats and canned or packaged meat products, other than canned hams, packaged hams, and packaged bacon), dairy products as defined by the Commission, salad dressing, yeast, and uncooked bakery goods, between Memphis, Tenn., on the one hand, and, on the other, points in Missouri, restricted against the transportation of the commodities specified above except fresh meats, between St. Louis, Mo., on the one hand, and, on the other, Memphis, Tenn. Vendee is authorized to operate in Georgia, Tennessee, North Carolina, South Carolina, Florida, Mississippi, Louisiana, Alabama, Kentucky, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Nebraska, Texas, Kansas, Arkansas, Missouri, Oklahoma, and Ohio. J. L. Lawhon is authorized to operate in Georgia, Florida, and Alabama, as a contract carrier. Application has been filed for temporary authority under Section 210a (b).

No. MC-F-5629. Authority sought for purchase by Refrigerated Transport Co., Inc., 290 University Avenue SW., Atlanta, Ga., of a portion of the operating rights of Frozen Food Express, Inc., 318 Cadiz Street, Dallas, Tex., and for acquisition by J. L. Lawhon, R. R. Lawhon, and Winton Teagle, Atlanta, Ga., of control of the operating rights through the purchase. Applicants' attorney: Allan Watkins, 214 Grant Building, Atlanta, Ga. Operating rights sought to be transferred: Frozen foods, and meats, meat products, and meat byproducts as defined by the Commission, (except canned or packaged meats and canned or packaged meat products, other than canned hams, packaged hams, and packaged bacon), as a common carrier, over irregular routes between points in Mississippi, on the one hand, and, on the other, points in Illinois and Mississippi; Fresh meats, from Memphis, Tenn., to points in Illinois. Vendee is authorized to operate in Georgia, Tennessee, North Carolina, South Carolina, Florida, Mississippi, Louisiana, Alabama, Kentucky, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Nebraska, Texas, Kansas, Arkansas, Missouri, Oklahoma, and Ohio. J. L. Lawhon is authorized to operate in Georgia, Florida, and Alabama, as a contract carrier. Application has been filed for temporary authority under Section 210a (b).

No. MC-F-5667. Contract Carriers, Inc., 2425 Walton Street, Anderson, Ind., seeks to control Ross Transit Company, Inc., 1045 South Park Avenue, Kokomo, Ind., and N. A. Waters and L. L. Waters, Chicago, Ill., seek to acquire control, through the transaction. Applicants' attorney: George O. Cowan, 512 Illinois Building, Indianapolis, Ind. Operating rights sought to be controlled: Wire, bale ties, nails, staples, steel fence and steel fence materials, pipe, sheet steel, steel ridge roll and fence rods, petroleum and petroleum products, in containers, sewer pipe and clay products, iron and steel articles, hides, tallow and grease, grain, livestock, flour, feeds, fertilizer, wire fence, and burlap bags, roofing and roofing materials, clay sewer pipe, drain tile, flue liners, chimney tops, wall coping, hollow building block, stovepipe fittings, agricultural implements and parts, as a contract carrier, over irregular routes,

from, to, and between points in Indiana, Kentucky, Missouri, Illinois, Ohio, Iowa, Michigan, Wisconsin and Tennessee. Contract Carriers, Inc., operates as a contract carrier in Indiana, Missouri, Ohio, Illinois, Michigan, Kentucky, Iowa, and Kansas. Application has been filed for temporary under section 210a (b).

No. MC–F–5668. Authority sought for purchase by Security Storage & Van Company, Inc., 533 City Park Avenue, New Orleans, La., of the operating rights of Ray Cox, doing business as Panhandle Transfer Co., 326 North Philadelphia Street, Amarillo, Tex., and for acquisition by Howard Wolchansky and Louise G. Wolchansky, New Orleans, La., of control of the operating rights through the purchase. Person to whom correspondence should be addressed: Howard Wolchansky, 533 City Park Avenue, New Orleans, La. Operating rights sought to be transferred: Household goods, as defined by the Commission, as a common carrier, over irregular routes, between points in Gray, Hutchinson, Hemphill, Carson, and Wheeler Counties, Tex., on the one hand, and, on the other, points in New Mexico; between points in Gray and Hutchinson Counties, Tex., on the one hand, and, on the other, points in Oklahoma and Kansas; between points in Hemphill, Carson, and Wheeler Counties, Tex., on the one hand, and, on the other, points in Oklahoma and Kansas. Vendee is authorized to operate in Texas, Mississippi, Alabama, Arkansas, Missouri, Illinois, Tennessee, Georgia, South Carolina, North Carolina, Virginia, Maryland, District of Columbia, New Jersey, New York, Louisiana, Texas, Oklahoma, Arizona, California, Oregon, and Washington. Application has not been filed for temporary authority under section 210a (b).

No. MC–F–5669. Authority sought for purchase by Newsom Truck Line, Inc., 4703 Chapman Street, Houston, Tex., of the operating rights of W. J. Record, E. A. Record and E. H. Record, doing business as Bill Record & Sons Trucking Co., 5501 Sapulpa Road, Tulsa, Okla., and for acquisition by R. B. Montgomery and D. C. Powell, Houston, Tex., of control of the operating rights through the purchase. Applicants' attorney: A. W. Jenkins, 714 Colcord Building, Oklahoma City, Okla. Operating rights sought to be transferred: Machinery equipment, materials and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, materials, equipment and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, over irregular routes, as a common carrier, between points in Kansas, Oklahoma, and Texas. Vendee is authorized to operate in Louisiana, Texas, Arkansas, New Mexico, Colorado, Utah, and Wyoming. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54–2570; Filed, Apr. 6, 1954; 8:53 a. m.]